CODE OF CANONS OF THE EASTERN CHURCHES

LATIN-ENGLISH EDITION

NEW ENGLISH TRANSLATION

CANON LAW SOCIETY OF AMERICA

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Preliminary Canons

Canon 1 - The canons of this Code affect all and solely the Eastern Catholic Churches, unless, with regard to relations with the Latin Church, it is expressly stated otherwise.

Canon 2 - The canons of the Code, in which for the most part the ancient law of the Eastern Churches is received or adapted, are to be assessed mainly according to that law.

Canon 3 - The Code, although it often refers to the prescriptions of liturgical books, does not for the most part legislate on liturgical matters; therefore, these norms are to be diligently observed, unless they are contrary to the canons of the Code.

Canon 4 - The canons of the Code neither abrogate nor derogate from the pacts entered or approved by the Apostolic See with nations or other political societies. They therefore continue in force in their present form not withstanding any prescriptions of the Code to the contrary.

Canon 5 - Acquired rights as well as privileges granted up to this time by the Apostolic See to physical and juridic persons which are in use and have not been revoked remain intact unless they are expressly revoked by the canons of this Code.

Canon 6 - Once this Code goes into effect:

1° all common or particular laws are abrogated, which are contrary to the canons of the Code or which pertain to a matter ex integro regulated in this Code;

2° all customs are revoked which are reprobated by the canons of this Code or which are contrary to them and are neither centenary nor immemorial.

TITLE I. THE RIGHTS AND OBLIGATIONS OF ALL THE CHRISTIAN FAITHFUL

Canon 7 - §1. The Christian faithful are those who, incorporated in Christ through baptism, have been constituted as the people of God; for this reason, since they have become sharers in Christ's priestly, prophetic and royal function in their own manner; they are called, in accordance with the condition proper to each, to exercise the mission which God has entrusted to the Church to fulfill in the world.

§2. This Church, constituted and organized as a society in this world, subsists in the Catholic Church, governed by the successor of Peter and the bishops in communion with him.

Canon 8 - In full communion with the Catholic Church on this earth are those baptized persons who are joined with Christ in its visible structure by the bonds of profession of faith, of the sacraments and of ecclesiastical governance.

Canon 9 - §1. Since catechumens are in union with the Church in a special manner, that is, under the influence of the Holy Spirit, they ask to be incorporated into the Church by explicit choice and are therefore united with the Church by that choice just as by a life of faith, hope and charity which they lead; the Church already cherishes them as its own.

§2. The Church has special care for catechumens, invites them to lead the evangelical life and introduces them into participation in the Divine Liturgy, the sacraments and the divine praises, and already grants them various prerogatives which are proper to Christians.

Canon 10 - Attached to the Word of God and adhering to the authentic, living magisterium of the Church, the Christian faithful are bound to maintain integrally the faith which was preserved and transmitted at a great price by many and to profess it openly as well as to strive both to understand it better and to make it fruitful in works of charity.

Canon 11 - In virtue of their rebirth in Christ there exists among all the Christian faithful a true equality with regard to dignity and the activity whereby all cooperate in the building up of the Body of Christ in accord with each one's own condition and function.

Canon 12 - §1. The Christian faithful are bound by an obligation in their own patterns of activity always to maintain communion with the Church.

§2. They are to fulfill with great diligence the duties which they owe to the universal Church and to their own Church sui iuris.

Canon 13 - All the Christian faithful must make an effort, in accord with each one's own condition, to live a holy life and to promote the growth of the Church and its continual sanctification.

Canon 14 - All the Christian faithful have the right and the obligation of working so that the divine message of salvation may increasingly reach all peoples in every age and in every land.

Canon 15 - §1. The Christian faithful, conscious of their own responsibility, are bound by Christian obedience to follow what the pastors of the Church, as representatives of Christ, declare as teachers of the faith or determine as leaders of the Church.

§2. The Christian faithful are free to make known their needs, especially spiritual ones, and their desires to the pastors of the Church.

§3. In accord with the knowledge, competence and position which they possess, they have the right and even at times a duty to manifest to the pastors of the Church their opinion on matters which pertain to the good of the Church, and they have a right to make their opinion known to the other Christian faithful, with due regard for the integrity of faith and morals and reverence for the same pastors, and with consideration for the common good and the dignity of persons.

Canon 16 - The Christian faithful have the right to receive assistance from the pastors of the Church from the spiritual goods of the Church, especially the word of God and the sacraments.

Canon 17 - The Christian faithful have the right to worship God according to the prescriptions of their own Church sui iuris, and to follow their own form of spiritual life consonant with the teaching of the Church.

Canon 18 - The Christian faithful are free to found and to govern associations for charitable and religious purposes or for the promotion of the Christian vocation in the world; they are free to hold meetings to pursue these purposes in common.

Canon 19 - All the Christian faithful, since they participate in the mission of the Church, have the right to promote or to sustain apostolic action by their own undertakings in accord with each one's state and condition; however, no undertaking shall assume the name "Catholic" unless the consent of competent ecclesiastical authority is given.

Canon 20 - The Christian faithful since they are called by baptism to lead a life in conformity with the teaching of the gospel, have the right to a Christian education by which they will be properly instructed so as to develop the maturity of a human person and at the same time come to know and live the mystery of salvation.

Canon 21 - Those who are engaged in the sacred disciplines enjoy a lawful freedom of inquiry and of prudently expressing their opinions on matters in which they have expertise, while observing obsequium for the magisterium of the Church.

Canon 22 - All the Christian faithful have the right to be free from any kind of coercion in choosing a state in life.

Canon 23 - No one is permitted to damage unlawfully the good reputation which another person enjoys nor to violate the right of any person to protect his or her own privacy.

Canon 24 - §1. The Christian faithful can legitimately vindicate and defend the rights which they enjoy in the Church before a competent ecclesiastical court in accordance with the norm of law.

§2. The Christian faithful also have the right, if they are summoned to judgment by competent authority, to be judged in accordance with the prescriptions of the law to be applied with equity.

§3. The Christian faithful have the right not to be punished with Canonical penalties except in accordance with the norm of law.

Canon 25 - §1. The Christian faithful are obliged to assist with the needs of the Church so that the Church has what is necessary for its proper ends, especially for divine worship, for apostolic works and works of charity and for the decent sustenance of ministers.

§2. They are also obliged to promote social justice and, mindful of the precept of the Lord, to assist the poor from their own resources.

Canon 26 - §1. In exercising their rights the Christian faithful, both as individuals and when gathered in associations, must take account of the common good of the Church and of the rights of others as well as their own obligations toward others.

§2. In the interest of the common good, ecclesiastical authority has competence to regulate the exercise of the rights which belong to the Christian faithful.

TITLE II. CHURCHES SUI IURIS AND RITES

Canon 27 - A group of Christian faithful united by a hierarchy according to the norm of law which the supreme authority of the Church expressly or tacitly recognizes as sui iuris is called in this Code a Church sui iuris.

Canon 28 - §1. A rite is the liturgical, theological, spiritual and disciplinary patrimony, culture and circumstances of history of a distinct people, by which its own manner of living the faith is manifested in each Church sui iuris.

§2. The rites treated in this code, unless otherwise stated, are those which arise from the Alexandrian, Antiochene, Armenian, Chaldean and Constantinopolitan traditions.

Chapter I. Ascription to a Church Sui Iuris

Canon 29 - §1. By virtue of baptism, a child who has not yet completed his fourteenth year of age is enrolled in the Church sui iuris of the Catholic father; or the Church sui iuris of the mother if only the mother is Catholic or if both parents by agreement freely request it, with due regard for particular law established by the Apostolic See.

§2. If the child who has not yet completed his fourteenth year is: 1° born of an unwed mother, he is enrolled in the Church sui iuris to which the mother belongs; 2° born of unknown parents, he is to be enrolled in the Church sui iuris of those in whose care he has been legitimately committed are enrolled; if it is a case of an adoptive father and mother, 1 should be applied;

3° born of non-baptized parents, the child is to be a member of the Church sui iuris of the one who is responsible for his education in the Catholic faith.

Canon 30 - Anyone to be baptized who has completed the fourteenth year of age can freely select any Church sui iuris in which he or she then is enrolled by virtue of baptism received in that same Church, with due regard for particular law established by the Apostolic See.

Canon 31 - No one can presume in any way to induce the Christian faithful to transfer to another Church sui iuris.

Canon 32 - §1. No one can validly transfer to another Church sui iuris without the consent of the Apostolic See.

§2. In the case of Christian faithful of an eparchy of a certain Church sui iuris who petition to transfer to another Church sui iuris which has its own eparchy in the same territory, this consent of the Apostolic See is presumed, provided that the eparchial bishops of both eparchies consent to the transfer in writing.

Canon 33 - A wife is at liberty to transfer to the Church of the husband at the celebration of or during the marriage; when the marriage has ended, she can freely return to the original Church sui iuris.

Canon 34 - If the parents, or the Catholic spouse in the case of a mixed marriage, transfer to another Church sui iuris, children under fourteen years old by the law itself are enrolled in the same Church; if in a marriage of Catholics only one parent transfers to another Church sui iuris, the children transfer only if both parents consent. Upon completion of the fourteenth year of age, the children can return to the original Church sui iuris.

Canon 35 - Baptized non-Catholics coming into full communion with the Catholic Church should retain and practice their own rite everywhere in the world and should observe it as much as humanly possible.

Thus, they are to be enrolled in the Church sui iuris of the same rite with due regard for the right of approaching the Apostolic See in special cases of persons, communities or regions.

Canon 36 - The transfer to another Church sui iuris takes effect at the moment a declaration is made before the local hierarch or the proper pastor of the same Church or a priest delegated by either of them and two witnesses, unless the rescript of the Apostolic See provides otherwise.

Canon 37 - Every enrollment in a certain Church sui iuris or transfer to another Church sui iuris should be recorded in the baptismal register of the parish where the baptism was celebrated, even, as the case may be, in a Latin parish; if this cannot be done, it is to be kept by the proper pastor in another document in the archive of the parish of the Church sui iuris of enrollment.

Canon 38 - Christian faithful of Eastern Churches even if committed to the care of a hierarch or pastor of another Church sui iuris, nevertheless remain enrolled in their own Church.

Chapter II. The Observation of Rites

Canon 39 - The rites of the Eastern Churches, as the patrimony of the entire Church of Christ, in which there is clearly evident the tradition which has come from the Apostles through the Fathers and which affirm the divine unity in diversity of the Catholic faith, are to be religiously preserved and fostered.

Canon 40 - §1. Hierarchs who preside over Churches sui iuris and all other hierarchs are to see most carefully to the faithful protection and accurate observance of their own rite, and not admit changes in it except by reason of its organic progress, keeping in mind, however, mutual goodwill and the unity of Christians.

§2. Other clerics and members of institutes of consecrated life are bound to observe their own rite faithfully and daily to acquire a greater understanding and a more perfect practice of it.

§3. Other Christian faithful are also to foster an understanding and appreciation of their own rite, and are held to observe it everywhere unless something is excused by the law.

Canon 41 - The Christian faithful of any Church sui iuris, even the Latin Church, who have frequent relations with the Christian faithful of another Church sui iuris by reason of their office, ministry, or function, are to be accurately instructed in the knowledge and practice of the rite of that Church in keeping with the seriousness of the office, ministry or function which they fulfill.

TITLE III. THE SUPREME AUTHORITY OF THE CHURCH

Canon 42 - Just as, by the Lord's decision, Saint Peter and the other Apostles constitute one college, so in a similar way the Roman Pontiff, successor of Peter, and the bishops, successors of the Apostles, are joined together.

Chapter I. The Roman Pontiff

Canon 43 - The bishop of the Church of Rome, in whom resides the office (munus) given in special way by the Lord to Peter, first of the Apostles and to be transmitted to his successors, is head of the college of bishops, the Vicar of Christ and Pastor of the entire Church on earth; therefore, in virtue of his office (munus) he enjoys supreme, full, immediate and universal ordinary power in the Church which he can always freely exercise.

Canon 44 - §1. The Roman Pontiff obtains full and supreme power in the Church by means of legitimate election accepted by him together with episcopal consecration; therefore, one who is already a bishop obtains this same power from the moment he accepts his election to the pontificate, but if the one elected lacks the episcopal character, he is to be ordained a bishop immediately.

§2. If it should happen that the Roman Pontiff resigns his office (munus), it is required for validity that he makes the resignation freely and that it be duly manifested, but not that it be accepted by anyone.

Canon 45 - §1. The Roman Pontiff, by virtue of his office (munus), not only has power over the entire Church but also possesses a primacy of ordinary power over all the eparchies and groupings of them by which the proper, ordinary and immediate power which bishops possess in the eparchy entrusted to their care is both strengthened and safeguarded.

§2. The Roman Pontiff, in fulfilling the office (munus) of the supreme pastor of the Church is always united in communion with the other bishops and with the entire Church; however, he has the right, according to the needs of the Church, to determine the manner, either personal or collegial, of exercising this function.

§3. There is neither appeal nor recourse against a sentence or decree of the Roman Pontiff.

Canon 46 - §1. In exercising his office (munus) the Roman Pontiff is assisted by the bishops who aid him in various ways and among these is the

synod of bishops; moreover the cardinals, the Roman curia, pontifical legates and other persons and various institutes assist him according to the needs of the times; all these persons and institutes carry out the task committed to them in his name and by his authority for the good of all the Churches, according to the norm of law established by the Roman Pontiff himself.

§2. The participation of patriarchs and other hierarchs who preside over Churches sui iuris in the synod of bishops is regulated by special norms established by the Roman Pontiff.

Canon 47 - When the Roman see is vacant or entirely impeded nothing is to be innovated in the governance of the entire Church; however, special laws enacted for those circumstances are to be observed.

Canon 48 - In this Code the term "Apostolic See" or "Holy See" applies not only to the Roman Pontiff but also, unless it is otherwise prescribed by the law or the nature of the matter indicates otherwise, dicasteries and other institutes of the Roman curia.

Chapter II. The College of Bishops

Canon 49 - The college of bishops, whose head is the Roman Pontiff and whose members are the bishops by virtue of sacramental ordination and hierarchical communion with the head and members of the college, and in which the apostolic body continually endures, together with its head, and never without its head, is also the subject of supreme and full power over the universal Church.

Canon 50 - §1. The college of bishops exercises power over the entire Church in a solemn manner in an ecumenical council.

§2. The college exercises the same power through the united action of the bishops dispersed in the world, which action as such has been initiated or has been freely accepted by the Roman Pontiff so that a truly collegial act results.

§3. It is for the Roman Pontiff, in keeping with the needs of the Church, to select and promote the ways by which the college of bishops is to exercise collegially its function regarding the entire Church.

Canon 51 - §1. It is for the Roman Pontiff alone to convoke an ecumenical council, to preside over it personally or through others, to transfer, suspend or dissolve it, and to confirm its decrees.

§2. It is for the same Roman Pontiff to determine matters to be treated in a council and to establish the order to be followed in the same council; to the questions proposed by the Roman Pontiff the fathers of a council can add other questions, to be approved by the same Roman Pontiff.

Canon 52 - §1. It is the right and obligation of all and only the bishops who are members of the college of bishops to participate in an ecumenical council with a deliberative vote.

§2. The supreme authority of the Church can also call others who are not bishops to an ecumenical council and determine what part they take in it.

Canon 53 - If the Apostolic See becomes vacant during the celebration of a council, it is interrupted by the law itself until a new Roman Pontiff orders it to be continued or dissolves it.

Canon 54 - §1. Decrees of an ecumenical council do not have obligatory force unless they are approved by the Roman Pontiff together with the fathers of the council and are confirmed by the Roman Pontiff and promulgated at his order.

§2. When the college of bishops takes collegial action in another manner, initiated or freely accepted by the Roman Pontiff, in order for its decrees to have binding force, they need this same confirmation and promulgation.

TITLE IV. THE PATRIARCHAL CHURCHES

Canon 55 - According to the most ancient tradition of the Church, already recognized by the first ecumenical councils, the patriarchal institution has existed in the Church; for this reason a special honor is to be accorded to the patriarchs of the Eastern Churches, each of whom presides over his patriarchal Church as father and head.

Canon 56 - A patriarch is a bishop who enjoys power over all bishops including metropolitans and other Christian faithful of the Church over which he presides according to the norm of law approved by the supreme authority of the Church.

Canon 57 - §1. The erection, restoration, modification and suppression of patriarchal Churches is reserved to the supreme authority of the Church.

§2. Only the supreme authority of the Church can modify the legitimately recognized or conceded title of each patriarchal Church.

§3. If it is possible, a patriarchal Church must have a permanent see for the residence of the patriarch in a principal city inside its own territory from which the patriarch takes his title; this see cannot be transferred except for a most grave reason and with the consent of the synod of bishops of the patriarchal Church and the assent of the Roman Pontiff.

Canon 58 - Patriarchs of Eastern Churches precede all bishops of any degree everywhere in the world, with due regard for special norms of precedence established by the Roman Pontiff.

Canon 59 - §1. Patriarchs of Eastern Churches, even if some are of later times, are all equal by reason of patriarchal dignity with due regard for the precedence of honor among them.

§2. The order of precedence among the ancient patriarchal sees of the Eastern Churches is that in the first place comes the see of Constantinople, after that Alexandria, then Antioch and Jerusalem.

§3. Among the other patriarchs of the Eastern Churches, precedence is ordered according to the antiquity of the patriarchal see.

§4. Among the patriarchs of the Eastern Churches who each are of the same title but who preside over different patriarchal Churches, he has precedence who was first promoted to the patriarchal dignity.

Canon 60 - §1. In churches which are designated for the Christian faithful of the Church over which he presides and in liturgical celebrations of the same Church, a patriarch precedes other patriarchs, even if they are greater in virtue of title of the see or senior according to promotion.

§2. A patriarch who currently holds patriarchal power precedes those who retain the title of a patriarchal see which they once held.

Canon 61 - A patriarch can have a procurator at the Apostolic See appointed by him with the prior assent of the Roman Pontiff.

Canon 62 - A patriarch who has resigned from his office retains his title and honors especially during liturgical celebrations and has the right that a dignified residence be assigned to him with his consent and that appropriate to his title he be provided with the means for his support, with due regard for the norm on precedence in can. 60, §2.

Chapter I. The Election of Patriarchs

Canon 63 - A patriarch is canonically elected in the synod of bishops of the patriarchal Church.

Canon 64 - Those things which are required for someone to be considered suitable for the patriarchal dignity are delineated in particular law, always with due regard for those which are prescribed in can. 180.

Canon 65 - §1. The synod of bishops of the patriarchal Church must be convened in the patriarchal residence or in another place to be designated by the administrator of the patriarchal Church with the consent of the permanent synod.

§2. The synod of bishops of the patriarchal Church must be convened within one month of the vacancy of the see with due regard for establishing a longer term in particular law, but not, however, beyond two months.

Canon 66 - §1. In the election of a patriarch all and only members of the synod of bishops of the patriarchal Church enjoy an active vote.

§2. It is forbidden for anyone other than the members of the synod of bishops of the patriarchal Church to be present in the room during the election of a patriarch, except those clerics who are admitted as tellers or secretary of the synod according to the norms of can. 71, §1.

§3. It is not permitted for anyone either before or during the synod of bishops of the patriarchal Church to be involved in the election of the patriarch.

Canon 67 - In the election of a patriarch cann. 947-957 are to be observed, every contrary custom being reprobated unless it is established otherwise by common law.

Canon 68 - §1. All bishops legitimately convoked are bound by the grave obligation to be present at the election.

§2. If a certain bishop considers himself to be detained by a just impediment, he is to submit his reasons in writing to the synod of bishops of the patriarchal Church. The legitimacy of the impediment is to be decided upon by the bishops who are present in the designated place at the first session of the synod.

Canon 69 - Once the convocation has taken place according to the canons, if two-thirds of the bishops who are obliged to be present at the synod of bishops of the patriarchal Church, excluding those who are detained by a legitimate impediment, are present at the designated location, the synod is to be declared canonical and can proceed with the election.

Canon 70 - Unless particular law establishes otherwise, the one who is elected by those present in the first session is to preside over the synod of bishops of the patriarchal Church for the election of the patriarch; in the meantime the presidency is reserved to the administrator of the patriarchal Church.

Canon 71 - §1. The positions of tellers and secretary can also be filled by priests and deacons according to the norm of particular law.

§2. All who are present at the synod are bound to the serious obligation of observing secrecy concerning those matters which directly or indirectly concern the balloting.

Canon 72 - §1. He is elected who obtains two-thirds of the votes, unless particular law establishes that after an appropriate number of ballots, at least three, an absolute majority of the votes suffices, and the election is to be conducted according the norms of can. 183, §§3-4.

§2. If an election is not successful within fifteen days from the opening of the synod of bishops of the patriarchal Church, the matter devolves to the Roman Pontiff.

Canon 73 - If the one who is elected is at least a legitimately proclaimed bishop, the presiding officer, or if the presiding officer was elected, the senior bishop according to episcopal ordination, in the name of the entire synod of bishops of the patriarchal Church, is immediately to communicate

the election to the one who is elected according to the formula and manner used in that patriarchal Church. However, if the one who is elected is not yet a legitimately proclaimed bishop, secrecy is to be observed by everyone who in any way knows the results of the election, even toward the one elected. The synod of bishops of the patriarchal Church is suspended and notification is made when all canonical requirements for the episcopal proclamation are executed.

Canon 74 - Within two available days after being notified, the one who is elected must indicate whether he accepts the election. If he does not accept or does not respond within two days, he loses all rights which are acquired by the election.

Canon 75 - If the one who is elected accepted and is an ordained bishop, the synod of bishops of the patriarchal Church proceeds with his proclamation and enthronement as patriarch according to the prescriptions of the liturgical books; if the one who is elected is not yet an ordained bishop, the enthronement cannot be performed validly before the one who is elected receives episcopal ordination.

Canon 76 - §1. By means of a synodal letter, the synod of bishops of the patriarchal Church notifies the Roman Pontiff as soon as possible about the canonical conduct of the election and enthronement and that the new patriarch made a profession of faith and the promise to exercise his office with fidelity in the presence of the synod according to the approved formulas. Synodal letters that an election took place are also to be sent to the patriarchs of the other Eastern Churches.

§2. The new patriarch must as soon as possible request ecclesiastical communion from the Roman Pontiff by means of a letter signed in his own hand.

Canon 77 - §1. A canonically elected patriarch validly exercises his office only after enthronement by which he obtains his office with the full effects of law.

§2. The patriarch is not to convoke a synod of bishops of the patriarchal Church nor ordain bishops before he receives ecclesiastical communion

from the Roman Pontiff.

Chapter II. The Rights and Obligations of Patriarchs

Canon 78 - §1. The power which, according to the norm of the canons and legitimate customs, the patriarch has over bishops and other Christian faithful of the Church over which he presides is ordinary and proper, but personal. Thus, the patriarch cannot constitute a vicar for the entire patriarchal Church nor can he delegate his power to someone for all cases.

§2. The power of the patriarch is exercised validly only inside the territorial boundaries of the patriarchal Church unless the nature of the matter or the common or particular law approved by the Roman Pontiff establishes otherwise.

Canon 79 - The patriarch represents the patriarchal Church in all its juridic affairs.

Canon 80 - The patriarch is:

1° to exercise the rights and to fulfill the obligations of a metropolitan in all places where provinces are not erected;

2° to supply for the negligence of metropolitans according to the norm of law; 3° to exercise the rights and to fulfill the obligations of a metropolitan in the entire province during the vacancy of a metropolitan see;

4° to warn a metropolitan who did not appoint a finance officer according to can. 262, §1; if the warning is made in vain, he himself is to appoint a finance officer.

Canon 81 - Acts of the Roman Pontiff for the patriarchal Church concerning bishops or others to whom it may concern, are to be communicated through the patriarch unless in a case the Apostolic See has directly communicated it.

Canon 82 - §1. By his own right the patriarch can:

1° within the scope of his competence, issue decrees which determine more precisely the methods to be observed in applying the law or urge the

observance of a law;

2° direct instructions to the Christian faithful of the entire Church over which he presides for the purpose of explaining sound doctrine, fostering piety, correcting abuses, and approving and recommending practices which foster the spiritual welfare of the Christian faithful; 3° issue encyclical letters to the entire Church over which he presides concerning questions with respect to his own Church and rite.

§2. The patriarch can order bishops and other clerics as well as members of institutes of consecrated life of the entire Church over which he presides to read and to explain publicly in their churches or houses his decrees, instructions, and encyclical letters.

§3. In all matters which concern the entire Church over which he presides or more serious affairs, the patriarch will not fail to hear the permanent synod, the synod of bishops of the patriarchal Church, or even the patriarchal assembly.

Canon 83 - §1. With due regard for the right and obligation of the eparchial bishop of canonically visiting his own eparchy, the patriarch has the right and obligation to conduct a pastoral visitation of the same eparchy at the time determined by particular law.

§2. For serious reasons and with the consent of the permanent synod, the patriarch can visit a church, city, or eparchy either personally or through another bishop; during this visitation he can do all those things the eparchial bishop can do during a canonical visitation.

Canon 84 - §1. The patriarch should most especially take care that either he himself or the eparchial bishops of the Church over which he presides, after consultation, especially in the assemblies provided by law, with the patriarchs and eparchial bishops of other Churches sui iuris who exercise their power in the same territory, promote a unity of action among themselves and other Christian faithful of each Church sui iuris. Thus, in a united effort, they can assist in common works for the more expeditious promotion of the good of religion, for the more effective protection of

ecclesiastical discipline and the harmonious fostering of unity of all Christians.

§2. The patriarch is also to foster frequent gatherings, to be convoked according to his prudent judgment, among the hierarchs and other Christian faithful regarding pastoral matters and other affairs which concern the entire Church over which he presides or a certain province or region.

Canon 85 - §1. For a serious reason, with the consent of the synod of bishops of the patriarchal Church and having consulted the Apostolic See, the patriarch can establish provinces and eparchies, modify their boundaries, unite, divide, suppress, and modify their hierarchical status and transfer the eparchial see.

§2. With the consent of the synod of bishops of the patriarchal Church, the patriarch is competent: 1° to give to an eparchial bishop a coadjutor bishop or auxiliary bishop, observing cann. 181, §1 and 182-187 and 212;

2° for a grave reason, to transfer a metropolitan, eparchial bishop or titular bishop to another metropolitan, eparchial or titular see; if the bishop refuses, the synod of bishops of the patriarchal Church is to resolve the matter or defer it to the Roman Pontiff.

§3. With the consent of the permanent synod, the patriarch can erect, modify and suppress exarchies.

§4. The patriarch is to notify the Apostolic See of these decisions as soon as possible.

Canon 86 - §1. The patriarch is competent:

1° to give a patriarchal letter of canonical provision to a metropolitan or a bishop; 2° to ordain metropolitans either personally or, if impeded, through other bishops, and, if particular law thus stipulates, also to ordain all bishops;

3° to enthrone the metropolitan after episcopal ordination.

§2. By virtue of the law itself the faculty is given to the patriarch to ordain and enthrone a metropolitan and other bishops of the Church over which he presides who are appointed by the Roman Pontiff outside the territorial boundaries of the same Church unless in a special case it is expressly stipulated otherwise.

§3. Episcopal ordination and enthronement must take place within the term stipulated by law; the patriarchal letter of canonical provision is to be given within ten days of the proclamation of the election.

The Apostolic See is to be notified as soon as possible of the episcopal ordination and enthronement.

Canon 87 - As long as provision is made for their support, the patriarch can see to it that some bishops, though not more than three, are elected for the patriarchial curia by the synod of bishops of the patriarchal Church according to the norms of cann. 181, §1 and 182-187. He confers on them the office with residency in the patriarchal curia; he can also ordain them after having fulfilled all the requirements for the episcopal proclamation.

Canon 88 - §1. Bishops of the patriarchal Church must show honor and obsequium to the patriarch and must render due obedience to him; the patriarch shall show to these bishops due reverence and treat them with brotherly charity.

§2. The patriarch is to see that controversies which perhaps might arise among the bishops are resolved with due regard for the right of deferring them to the Roman Pontiff at any time.

Canon 89 - §1. It is the right and obligation of the patriarch to exercise vigilance according to the norm of law over all clerics; if it appears that one of them merits punishment, he is to warn the hierarch to whom the cleric is immediately subject and, if the warning is in vain, he himself is to take action against the cleric according to the norm of law.

§2. The patriarch can commit a function of conducting affairs which regard the entire patriarchal Church to any cleric, after having consulted with the eparchial bishop or, in the case of a member of a religious institute or a

society of the common life in the manner of religious, the major superior, unless particular law of the patriarchal Church requires the consent of the same; he can also subject the cleric immediately to himself while exercising this function.

§3. The patriarch can confer a dignity in his own patriarchal Church on any cleric with due regard for can.

430, provided that he receives the written consent of the eparchial bishop to whom the cleric is subject or, in the case of a religious institute or a society of the common life in the manner of religious, the major superior.

Canon 90 - For a serious reason, after having consulted with the eparchial bishop and with the consent of the permanent synod, in the act of establishment itself, the patriarch can exempt from the power of the eparchial bishop and subject immediately to himself a place or juridic person which does not belong to a religious institute in matters regarding the administration of temporal goods and also persons attached to the same place or juridic person in all matters regarding their function or office.

Canon 91 - The patriarch must be commemorated in the Divine Liturgy and in the divine praises after the Roman Pontiff by all the bishops and other clerics according to the prescriptions of the liturgical books.

Canon 92 - §1. The patriarch is to manifest hierarchical communion with the Roman Pontiff, successor of Saint Peter, through the loyalty, veneration and obedience which are due to the supreme pastor of the entire Church.

§2. The patriarch must make a commemoration of the Roman Pontiff as a sign of full communion with him in the Divine Liturgy and divine praises according to the prescriptions of the liturgical books and to see that it is done faithfully by all the bishops and other clerics of the Church over which he presides.

§3. It is to be the custom for the patriarch to visit the Roman Pontiff and, according to the norms established especially for this, to send to him a report concerning the state of the Church over which he presides. Within a year of his election and then often during his tenure in office, he is to make

a visit to Rome to venerate the tombs of apostles Peter and Paul and present himself to the successor of Saint Peter in primacy over the entire Church.

Canon 93 - The patriarch is to reside in his see and is not to be absent from it except for a canonical reason.

Canon 94 - The patriarch must celebrate the Divine Liturgy for the people of the entire Church over which he presides on feast days established by particular law.

Canon 95 - §1. The obligations of eparchial bishops which are mentioned in can. 196 also bind the patriarch with due regard for the other obligations of individual bishops.

§2. The patriarch is to see that the eparchial bishops faithfully fulfill their pastoral functions and that they reside in the eparchy which they govern; he should enkindle their zeal; if they gravely transgress in a certain matter, after having consulted with the permanent synod unless there is danger in delay, the patriarch is to warn them; if the warning does not result in the desired effect, he is to defer the matter to the Roman Pontiff.

Canon 96 - With regard to prayers and pious exercises, provided that they are consonant with his own rite, the patriarch can do the same as the local hierarch in the entire Church over which he presides.

Canon 97 - The patriarch must diligently exercise vigilance over the proper administration of all ecclesiastical property, with due regard for the primary obligation of the individual eparchial bishops as mentioned in can. 1022, §1.

Canon 98 - With the consent of the synod of bishops of the patriarchal Church and the prior assent of the Roman Pontiff, the patriarch can enter into agreements with a civil authority which are not contrary to the law established by the Apostolic See; the patriarch cannot put these same agreements into effect without having obtained the approval of the Roman Pontiff.

Canon 99 - §1. The patriarch is to see that the personal Statutes in force in the region are observed by everyone.

§2. If several patriarchs in the same place exercise power recognized or conceded by the personal Statutes, it is expedient in matters of greater importance that they act after consultation with each other.

Canon 100 - The patriarch can reserve to himself matters which concern several eparchies and affect the civil authorities; he cannot make a decision regarding these same matters without consulting the eparchial bishops to whom it is of concern and without the consent of the permanent synod. If the matter is urgent and does not permit the convening of the episcopal members of the permanent synod, then the bishops of the patriarchal curia, if there are any, otherwise, the two eparchial bishops who are senior according to episcopal ordination, will act in their place in the case.

Canon 101 - In his own eparchy, in stauropegial monasteries and other places where neither an eparchy nor an exarchy is established, the patriarch has the same rights and obligations as an eparchial bishop.

Chapter III. The Synod of Bishops of a Patriarchal Church

Canon 102 - §1. All and solely ordained bishops of the patriarchal Church wherever they are constituted, excluding those mentioned in can. 953, §1 or those who are punished by canonical penalties mentioned in cann. 1433 and 1434, must be called to the synod of bishops of the patriarchal Church.

§2. With regard to eparchial bishops constituted outside the territorial boundaries of the patriarchal Church and titular bishops, particular law can restrict their deliberative vote, with due regard for the canons concerning the election of the patriarch, bishops and candidates for office mentioned in can. 149.

§3. To expedite certain matters, according to the norm of particular law or with the consent of the permanent synod, others can be invited by the patriarch, especially hierarchs who are not bishops and experts to give their opinions to the bishops gathered in the synod with due regard for can. 66, §2.

Canon 103 - The patriarch is to convoke the synod of bishops of the patriarchal Church and to preside over it.

Canon 104 - §1. All bishops legitimately called to the synod of bishops of the patriarchal Church are bound by the serious obligation to attend that same synod except those who have already resigned from office.

§2. If a certain bishop considers himself to be detained by a just impediment, he is to submit his reasons in writing to the synod of bishops of the patriarchal Church. The bishops who are present in the designated place at the first session of the synod are to decide upon the legitimacy of the impediment.

Canon 105 - No member of the synod of bishops of the patriarchal Church can send a proxy in his place nor can anyone have several votes in the synod.

Canon 106 - §1. The synod of bishops of the patriarchal Church must be convoked whenever: 1° matters are to be decided which belong to the exclusive competence of the synod of bishops of the patriarchal Church or which, in order to be done, require the consent of the synod; 2° the patriarch, with the consent of the permanent synod, judges it necessary; 3° at least one-third of the members request it for a given matter, with due regard always for the rights of patriarchs, bishops and other persons established by common law.

§2. Moreover the synod of bishops of the patriarchal Church must be convoked at the established times, even annually, if particular law determines it.

Canon 107 - §1. Unless particular law requires more and with due regard for cann. 69, 149 and 183, §1, any session of the synod of bishops of the patriarchal Church is canonical and any individual balloting is valid if the majority of the bishops who are obliged to attend the same synod is present.

§2. With due regard for cann. 72, 149 and 183, §§3-4, the synod of bishops of the patriarchal Church is free to establish norms to determine how many votes and ballots are required for the synodal decisions to acquire the force of law; otherwise, can. 924 must be observed.

Canon 108 - §1. The patriarch is to open the synod of bishops of the patriarchal Church and also, with the consent of the same synod, to transfer, postpone, suspend and dissolve it.

§2. After hearing the members of the synod of bishops of the patriarchal Church, the patriarch is also to prepare the agenda to be observed in examining questions as well as to submit it for approval at the opening session of the synod.

§3. During the synod of bishops of the patriarchal Church, individual bishops can add other questions to those on the agenda if at least one-third of the members present at the synod consent.

Canon 109 - After the opening of the synod of bishops of the patriarchal Church, none of the bishops is permitted to depart from the sessions of the

synod unless it is for a just reason approved by the synod.

Canon 110 - §1. The synod of bishops of the patriarchal Church is exclusively competent to make laws for the entire patriarchal Church which obtain force according to the norm of can. 150, §§2 and 3.

§2. The synod of bishops of the patriarchal Church is the tribunal in the patriarchal Church according to the norm of can. 1062.

§3. The synod of bishops of the patriarchal Church conducts the election of the patriarch, bishops and candidates for offices mentioned in can. 149.

§4. The synod of bishops of the patriarchal Church is not competent for administrative actions unless the patriarch determines otherwise for certain actions or common law reserves some actions to the synod, with due regard for the Canons which require the consent of the synod of bishops of the patriarchal Church.

Canon 111 - §1. The synod of bishops of the patriarchal Church designates the manner and time of promulgation of laws and the publication of decisions.

§2. The observance of secrecy regarding acts or cases treated is to be decided upon by the synod of bishops of the patriarchal Church, with due regard for the obligation of observing secrecy in matters established by common law.

§3. Acts regarding laws and decisions are to be sent to the Roman Pontiff as soon as possible; certain acts or even all of them should be communicated to the patriarchs of the other Eastern Churches according to the judgment of the synod.

Canon 112 - §1. The promulgation of laws and the publication of decisions of the synod of bishops of the patriarchal Church is the competence of the patriarch.

§2. Until the forthcoming synod, the authentic interpretation of laws of the synod of bishops of the patriarchal Church is the competence of the

patriarch, having consulted with the permanent synod.

Canon 113 - The synod of bishops of the patriarchal Church is to draw up its statutes in which are provided a secretary of the synod, preparatory commissions, the order of procedure as well as other means which they consider effective for the attainment of its goals.

Chapter IV. The Patriarchal Curia

Canon 114 - §1. Distinct from the curia of the eparchy of the patriarch, the patriarch must have at his see a patriarchal curia which is comprised of the permanent synod, the bishops of the patriarchal curia, the ordinary tribunal of the patriarchal Church, the patriarchal finance officer, the patriarchal chancellor, the liturgical commission as well as other commissions which by law are attached to the patriarchal curia.

§2. Persons belonging to the patriarchal curia can be selected by the patriarch from the clergy of the entire Church over which he presides, having consulted their eparchial bishop or, if it is a case of a member of a religious institute or society of the common life in the manner of religious, their major superior.

§3. The offices of either curia of the patriarch, inasmuch as it is possible, are not to be conferred upon the same persons.

Canon 115 - §1. The permanent synod is comprised of the patriarch and four bishops designated for a five-year term.

§2. Of these bishops, three are elected by the synod of bishops of the patriarchal Church among whom as least two must be eparchial bishops; one is appointed by the patriarch.

§3. At the same time and in the same manner, four bishops are designated, insofar as it is possible, who, according to the order determined by the synod of bishops of the patriarchal Church, substitute alternately for the impeded members of the permanent synod.

Canon 116 - §1. The patriarch is to convoke the permanent synod and to preside over it.

§2. If the patriarch is impeded or does not attend the permanent synod, the senior member of the synod according to episcopal ordination presides, after the number of members has been restored to five according to the norm of can. 115, §3.

§3. If the permanent synod must decide a matter which affects the person of a certain bishop who is a member of the same synod or affects his eparchy or office, he is to be heard, but in the synod another bishop substitutes for him according to the norm of can. 115, §3.

Canon 117 - The president and all other members of the synod who were present at the synod must sign the acts of the synod.

Canon 118 - Voting in the permanent synod must be secret in matters relating to persons; in other cases, if at least one of the members expressly requests it.

Canon 119 - If a certain matter belonging to the competence of the permanent synod is to be decided while the synod of bishops of the patriarchal Church is being held, the decision on this matter is reserved to the permanent synod unless the patriarch with the consent of the permanent synod judges it opportune to commit the decision to the synod of bishops of the patriarchal Church.

Canon 120 - The permanent synod must be convoked at determined times, at least twice a year, and whenever the patriarch considers it opportune, as well as whenever matters are to be decided for which common law requires the consent or counsel of the same synod.

Canon 121 - If for a serious reason in the judgment of the synod of bishops of the patriarchal Church, the permanent synod cannot be constituted, the Apostolic See is to be notified and the synod of bishops of the patriarchal Church is to elect two bishops, one of whom must be from the eparchial bishops, who with the patriarch act in lieu of the permanent synod for as long as the reason continues.

Canon 122 - §1. For the administration of the goods of the patriarchal Church, the patriarch, with the consent of the permanent synod, is to name a patriarchal finance officer distinct from the finance officer of the eparchy of the patriarch. The patriarchal finance officer should be a member of the Christian faithful who is expert in economic matters and of outstanding honesty; for validity a person is excluded who is related to the patriarch up to and including the fourth degree of consanguinity or affinity.

§2. The patriarchal finance officer is appointed for a term determined by particular law; during the tenure he cannot be removed by the patriarch without the consent of the synod of bishops of the patriarchal Church or, if there is danger in delay, of the permanent synod.

§3. The patriarchal finance officer must submit a written report annually to the permanent synod on administration during the past year as well as a budget of income and expenditures for the coming year; a report on administration is also to be submitted whenever it is requested by the permanent synod.

§4. The synod of bishops of the patriarchal Church can require a report on administration as well as the budget of income and expenditures from the patriarchal finance officer and subject it to its own examination.

Canon 123 - §1. In the patriarchal curia there is to be appointed by the patriarch a priest or deacon above all reproach, who as patriarchal chancellor presides over the patriarchal chancery and the archives of the patriarchal curia, assisted, if the case warrants it, by an assistant chancellor appointed by the patriarch.

§2. Apart from the chancellor and the assistant chancellor, who are notaries ex officio, the patriarch can appoint other notaries for the entire Church over which he presides, for all of whom cann. 253-254 are to be applied; he can also freely remove these notaries from office.

§3. Concerning the archives of the patriarchal curia, cann. 256-260 are to be observed.

Canon 124 - The liturgical commission, which every patriarchal Church must have, and other commissions prescribed for the Churches sui iuris, are erected by the patriarch and are made up of persons appointed by the patriarch; they also are governed by norms established by him, unless the law provides otherwise.

Canon 125 - The expenses of the patriarchal curia are paid from the goods which the patriarch can use for this purpose; if this is not sufficient, the individual eparchies shall share in paying the expenses according to the

measure to be determined by the synod of bishops of the patriarchal Church.

Chapter V. The Vacant or Impeded Patriarchal See

Canon 126 - §1. The patriarchal see becomes vacant at the death or resignation of the patriarch.

§2. The synod of bishops of the patriarchal Church is competent to accept the resignation of the patriarch, having consulted with the Roman Pontiff, unless the patriarch approaches the Roman Pontiff directly.

Canon 127 - Unless particular law determines otherwise, during a vacancy of the patriarchal see, the administrator of the patriarchal Church is the senior bishop according to episcopal ordination among the bishops of the patriarchal curia or, if there are not any, among the bishops who are members of the permanent synod.

Canon 128 - The administrator of the patriarchal Church is:

1° immediately to inform the Roman Pontiff and all the bishops of the patriarchal Church of the vacancy of the patriarchal see;

2° to carry out accurately and to see that others carry out the special norms prescribed by common or particular law, or by an instruction of the Roman Pontiff, if one is given, for the various circumstances which occur during the vacancy of the patriarchal see;

3° to convoke the bishops to the synod of bishops of the patriarchal Church for the election of a patriarch and to prepare all other things necessary for the synod.

Canon 129 - The administrator of the patriarchal Church in the eparchy of the patriarch, in stauropegial monasteries and in those places where neither an eparchy nor an exarchy is erected, has the same rights and obligations as the administrator of a vacant eparchy.

Canon 130 - §1. The ordinary power of the patriarch in all matters excluding those which cannot be done without the consent of the synod of

bishops of the patriarchal Church passes to the administrator of the patriarchal Church.

§2. The administrator of a patriarchal Church cannot remove from office the protosyncellus or the syncellus of the eparchy of the patriarch nor innovate anything in the vacant patriarchal see.

§3. Even though he lacks the prerogatives of a patriarch, the administrator of a patriarchal Church precedes all bishops of the same Church, not however in the synod of bishops of the patriarchal Church for the election of a patriarch.

Canon 131 - The administrator of a patriarchal Church must account as soon as possible for his administration to the new patriarch.

Canon 132 - §1. When a patriarchal see is impeded for whatever reason so that the patriarch cannot communicate even by letter with the eparchial bishops of the Church over which he presides, the governance of the patriarchal Church according to the norms of can. 130 is in the control of the eparchial bishop inside the territorial boundaries of the same Church who is the senior according to ordination, who himself is not impeded, unless the patriarch designated another bishop or in an extreme case of necessity even a priest.

§2. A patriarch is impeded when he cannot communicate even by letter with the Christian faithful of his own eparchy; the governance of the same eparchy is the responsibility of the protosyncellus; if he himself is impeded, it is the responsibility of the one whom the patriarch designates or the one who governs the patriarchal Church in the interim.

§3. Whoever takes up the interim governance is to notify the Roman Pontiff as soon as possible of the impeded patriarchal see and of his assumption of the governance.

Chapter VI. Metropolitans of the Patriarchal Church

Canon 133 - §1. A metropolitan, who presides over a certain province inside the territorial boundaries of the patriarchal Church, in the eparchies of his province, among other things which are granted to him by common law, is:

1° to ordain and enthrone bishops of his province within the time determined by law with due regard for can. 86, §1, n. 2;

2° to convoke the metropolitan synod at the times established by the synod of bishops of the patriarchal Church; to prepare useful questions to be discussed in it, to preside at the synod, to transfer, postpone, suspend or dissolve it;

3° to erect a metropolitan tribunal;

4° to oversee that the faith and ecclesiastical discipline are accurately observed; 5° to conduct a canonical visitation, if the eparchial bishop neglected it; 6° to appoint or confirm one who was legitimately proposed for or elected to office, if the eparchial bishop, not detained by a just impediment, failed to do so within the time established by law, and also to appoint the eparchial financial officer if the eparchial bishop, having been warned, neglected to appoint one.

§2. The metropolitan represents the province in all juridic matters of the same.

Canon 134 - §1. The dignity of a metropolitan is always attached to a determined eparchial see.

§2. A metropolitan in his own eparchy has the same rights and obligations as an eparchial bishop.

Canon 135 - The metropolitan is to be commemorated by all bishops and other clerics in the Divine Liturgy and the divine praises according to the prescriptions of the liturgical books.

Canon 136 - A metropolitan who presides over a province precedes everywhere a titular metropolitan.

Canon 137 - The synod of bishops of the patriarchal Church is to define more precisely the rights and obligations of metropolitans and of the metropolitan synods according to the legitimate customs of its own patriarchal Church and also the circumstances of time and place.

Canon 138 - The rights and obligations of a metropolitan constituted outside the territorial boundaries of the patriarchal Church are the same as those prescribed in can. 133, §1, nn. 2-6 and 2 as well as in cann.

135, 136, 160, 1084, §3; concerning other rights and obligations, the metropolitan is to observe the special norms proposed by the synod of bishops of the patriarchal Church and approved by the Apostolic See or established by the same See.

Canon 139 - The eparchial bishop who exercises his power outside the territorial boundaries of the patriarchal Church and does not belong to a province, should designate a certain metropolitan, having consulted with the patriarch and with the approval of the Apostolic See; to this metropolitan belong the rights and obligations mentioned in can. 133, §1, nn. 3-6.

Chapter VII. The Patriarchal Assembly

Canon 140 - The patriarchal assembly is a consultative group of the entire Church over which the patriarch presides and which assists the patriarch and the synod of bishops of the patriarchal Church in dealing with matters of major importance especially in order to harmonize appropriately the forms and programs of the apostolate and ecclesiastical discipline with the current circumstances of the time, taking into account the common good of its own Church as well as the common good of the entire territory where several Churches sui iuris coexist.

Canon 141 - The patriarchal assembly is to be convoked at least every five years and whenever the patriarch with the consent of the permanent synod or the synod of bishops of the patriarchal Church considers it useful.

Canon 142 - §1. The patriarch is to convoke the patriarchal assembly, preside at it; and also to transfer, postpone, suspend and dissolve it; the patriarch himself is to appoint a vice-president, who presides over the assembly in the absence of the patriarch.

§2. If the patriarchal see becomes vacant, the patriarchal assembly is suspended by the law itself until the new patriarch issues a decree on the matter.

Canon 143 - §1. To the patriarchal assembly are to be convoked: 1° eparchial bishops and other local hierarchs;

2° titular bishops;

3° presidents of monastic confederations, superiors general of institutes of consecrated life and superiors of monasteries sui iuris;

4° rectors of Catholic universities and of ecclesiastical universities as well as deans of faculties of theology and Canon law, which are located inside the territorial boundaries of the Church in which the assembly is held;

5° rectors of major seminaries;

6° from each eparchy at least one presbyter enrolled in the same eparchy, especially a pastor, one from among the religious or members of societies of common life according to the manner of religious, as well as two lay persons, unless the statutes determine a greater number, all of whom are designated in a manner determined by the eparchial bishop and indeed, if it is a case of a member of a religious institute or a member of a society of the common life according to the manner of religious, with the consent of the competent superior.

§2. All who are to be convoked to the patriarchal assembly must attend it unless they are detained by a just impediment, of which they are obliged to inform the patriarch; however, eparchial bishops can send a proxy.

§3. Persons of another Church sui iuris can be invited to the patriarchal assembly and can take part in it according to the norm of the statutes.

§4. To the patriarchal assembly can also be invited some observers from other Churches or non-Catholic ecclesial communities.

Canon 144 - §1. With due regard for the right of any Christian faithful to pose questions to his hierarch, only the patriarch or the synod of bishops of the patriarchal Church are to determine the matters to be discussed in the patriarchal assembly.

§2. Through prior appropriate commissions and consultations, the patriarch is to see that all of the questions are adequately drawn up and send to the members of the assembly at an opportune time.

Canon 145 - The patriarchal assembly is to have its statutes, in which are contained the necessary norms for attaining the goals of the assembly, approved by the synod of bishops of the patriarchal Church.

Chapter VIII. The Territory of a Patriarchal Church and the Power of the Patriarch and Synods Outside this Territory

Canon 146 - §1. The territory of the Church over which the patriarch presides is extended to those regions in which the rite proper to the same

Church is observed and the patriarch has the legitimately acquired right of erecting provinces, eparchies as well as exarchies.

§2. If a doubt concerning the territorial boundaries of the patriarchal Church arises or if it is a case of the modification of boundaries, the synod of bishops of the patriarchal Church is to investigate the matter, having heard from the superior administrative authority of each Church sui iuris concerned, and, having discussed the matter in the same synod, to direct an appropriately prepared petition proposing the resolution of the doubt or the modification of the boundaries to the Roman Pontiff, who solely can authentically resolve the doubt or issue a decree modifying the boundaries.

Canon 147 - Inside the territorial boundaries of the patriarchal Church, the power of the patriarch and the synods is exercised not only over all Christian faithful who are enrolled in that Church, but also on others who do not have a local hierarch of their own Church sui iuris constituted in the same territory and, even if they remain enrolled in their own Church, are committed to the care of local hierarchs of that patriarchal Church with due regard for can. 916, §5.

Canon 148 - §1. It is the right and the obligation of the patriarch to seek appropriate information concerning the Christian faithful who reside outside the territorial boundaries of the Church over which he presides even through a visitor sent by himself with the consent of the Apostolic See.

§2. The visitor, before he begins his function, is to go to the eparchial bishop of those faithful and present his letter of appointment.

§3. After the visitation is completed, the visitor is to send his report to the patriarch, who, after discussing the matter in the synod of bishops of the patriarchal Church, can propose opportune means to the Apostolic See, in order that everywhere in the world he might provide protection and an increase of the spiritual good of the Christian faithful of the Church over which he presides, even through the erection of their own parishes and exarchies or eparchies.

Canon 149 - The synod of bishops of the patriarchal Church, fulfilling the norms of the canons on the election of bishops, is to elect at least three

candidates for filling the office of eparchial bishop, coadjutor bishop or auxiliary bishop outside the territorial boundaries of the patriarchal Church and through the patriarch propose them to the Roman Pontiff for appointment; secrecy is to be observed by all who in any way know the results of the election, even toward the candidates.

Canon 150 - §1. Bishops constituted outside the territorial boundaries of the patriarchal Church have all the synodal rights and obligations of the other bishops of the same Church with due regard for can. 102,§2.

§2. Laws enacted by the synod of bishops of the patriarchal Church and promulgated by the patriarch, if they are liturgical, have the force of law everywhere in the world; if, however, they are disciplinary laws or concern other decisions of the synod, they have the force of law inside the territorial boundaries of the patriarchal Church.

§3. Eparchial bishops constituted outside the territorial boundaries of the patriarchal Church, who desire to do so, can attribute the force of law to disciplinary laws and other synodal decisions in their own eparchies, provided they do not exceed their competence; if however these laws or decisions are approved by the Apostolic See, they have the force of law everywhere in the world.

TITLE V. THE MAJOR ARCHIEPISCOPAL CHURCHES

Canon 151 - A major archbishop is the metropolitan of a see determined or recognized by the Supreme Authority of the Church, who presides over an entire Eastern Church sui iuris not endowed with the patriarchal title.

Canon 152 - What is stated in common law concerning patriarchal Churches or patriarchs is understood to be applicable to major archiepiscopal Churches or major archbishops, unless the common law expressly provides otherwise or it is evident from the nature of the matter.

Canon 153 - §1. A major archbishop is elected according to the norm of cann. 63-74.

§2. After acceptance of the election, the synod of bishops of the major archiepiscopal Church must notify the Roman Pontiff through a synodal letter about the canonical conduct of the election; however, the one who is elected, in a letter signed in his own hand, must petition the confirmation of his election from the Roman Pontiff.

§3. After having obtained the confirmation, the one who is elected, in the presence of the synod of bishops of the major archiepiscopal Church, must make a profession of faith and promise to carry out faithfully his office; afterwards his proclamation and enthronement are to be performed. If, however, the one who is elected is not yet an ordained bishop, the enthronement cannot validly be done before he receives episcopal ordination.

§4. If however the confirmation is denied, a new election is to be conducted within the time established by the Roman Pontiff.

Canon 154 - Major archbishops hold the precedence of honor immediately after patriarchs according to the order in which the Church over which they preside was erected as a major archiepiscopal Church.

TITLE VI. METROPOLITAN CHURCHES AND OTHER CHURCHES SUI IURIS

Chapter I. Metropolitan Churches Sui Iuris

Canon 155 - §1. A metropolitan Church sui iuris is presided over by a metropolitan of a determined see who is appointed by the Roman Pontiff and assisted by a council of hierarchs according to the norm of law.

§2. It is solely the right of the supreme authority of the Church to erect, modify, suppress and define the territorial boundaries of metropolitan Churches sui iuris.

Canon 156 - §1. Within three months after episcopal ordination or, if already ordained a bishop, after the enthronement, the metropolitan is bound by the obligation to petition the pallium from the Roman Pontiff, which is a sign of his metropolitan power and full communion of the metropolitan Church sui iuris with the Roman Pontiff.

§2. Prior to the imposition of the pallium, the metropolitan cannot convoke the council of hierarchs or ordain bishops.

Canon 157 - §1. The power which a metropolitan possesses according to the norm of law over the bishops and other Christian faithful of the metropolitan Church over which he presides, is ordinary and proper, but personal; thus, he cannot constitute a vicar for the entire metropolitan Church sui iuris nor delegate his power to a certain person for all cases.

§2. The power of the metropolitan and the council of hierarchs is validly exercised only within the territorial boundaries of the metropolitan Church sui iuris.

§3. The metropolitan represents the metropolitan Church sui iuris in all its juridic affairs.

Canon 158 - §1. The see of the metropolitan Church sui iuris is to be in the principal city from which the metropolitan, who presides over the same Church, takes his title.

§2. The metropolitan, in the eparchy entrusted to him, has the same rights and obligations as an eparchial bishop.

Canon 159 - In the metropolitan Church sui iuris over which he presides, beyond those things which are attributed to him by common law or particular law established by the Roman Pontiff, the metropolitan is competent:

1° to ordain and enthrone bishops of the same Church within the time determined by law; 2° to convoke the council of hierarchs according to the norm of law, to prepare useful questions to be discussed in it, to preside, transfer, postpone, suspend or dissolve it; 3° to erect a metropolitan tribunal;

4° to oversee that the faith and ecclesiastical discipline are accurately observed; 5° to conduct canonical visitations in eparchies, if the eparchial bishop neglected to do it; 6° to appoint an administrator of an eparchy in the case mentioned in can. 221, n. 4; 7° to appoint or confirm him who was legitimately proposed or elected to office, if the eparchial bishop, not detained by a just impediment, omitted to do so within the time established by law and also to appoint the eparchial finance officer if the eparchial bishop, having been warned, neglected to appoint him; 8° to communicate the acts of the Roman Pontiff to the eparchial bishops and others to whom they pertain, unless the Apostolic See directly provides for it, and see to the faithful execution of the prescriptions which are contained in these acts.

Canon 160 - In extraordinary matters or those entailing special difficulty, the eparchial bishops will not omit hearing the metropolitan nor will the metropolitan omit consulting with the bishops.

Canon 161 - The metropolitan is to be commemorated after the Roman Pontiff by all the bishops and other clerics in the Divine Liturgy and in the divine praises, according to the prescriptions of the liturgical books.

Canon 162 - As a sign of full communion with him, the metropolitan must faithfully make a commemoration of the Roman Pontiff, and see that it is done by all the bishops and the other clergy of the Church over which he

presides, in the Divine Liturgy and the divine praises, according to the prescriptions of the liturgical books.

Canon 163 - It should be the custom for the metropolitan to visit the Roman Pontiff frequently; he must make this visit every five years according to the norm of can. 208, §2, inasmuch as it is possible, he should do it together with all the bishops of the metropolitan Church over which he presides.

Canon 164 - §1. To the council of hierarchs must be called all and only ordained bishops of the metropolitan Church sui iuris wherever they are constituted, excluding those mentioned in can. 953, §1 or those who are punished with the canonical penalties mentioned in cann. 1433 and 1434. Bishops of another Church sui iuris can be invited as guests only if it is acceptable to the majority of the members of the council of hierarchs.

§2. Eparchial bishops and coadjutor bishops have a deliberative vote in the council of hierarchs; other bishops of the metropolitan Church sui iuris can have this vote if this is expressly established in particular law.

Canon 165 - §1. All bishops lawfully called to the council of hierarchs are bound by the serious obligation to be present at the council, except those who have already resigned from office.

§2. If a certain bishop considers himself to be detained by a legitimate impediment, he is to submit his reasons in writing to the council of hierarchs; the bishops who have a deliberative vote and who are present in the designated location at the opening session of the council are to decide on the legitimacy of the impediment.

§3. No one of the members from the council of hierarchs can send a proxy, nor can anyone have several votes.

§4. After the opening of the council of hierarchs, none of those who must be present can leave unless for a just reason approved by the president of the council.

Canon 166 - §1. Unless particular law requires a greater attendance, any session of the council of hierarchs is canonical and any individual ballot is

valid if a majority of the bishops who are obliged to be present, are present.

§2. The council of hierarchs decides matters by an absolute majority of those who have a deliberative vote and who are present.

Canon 167 - §1. With due regard for the canons which expressly treat the power of the council of hierarchs in making laws and norms, this council can also legislate in those cases in which common law remits the matter to the particular law of a Church sui iuris.

§2. The metropolitan will notify the Apostolic See as soon as possible of the laws and norms enacted by the council of hierarchs; nor can laws and norms be validly promulgated before the metropolitan has written notification from the Apostolic See of the reception of the acts of the council; the metropolitan is also to notify the Apostolic See of other actions of the council of hierarchs.

§3. The metropolitan is to see to the promulgation of laws and the publication of decisions of the council of hierarchs.

§4. With due regard for the canons which expressly mention the administrative acts of the metropolitan, he who presides over a metropolitan Church sui iuris also has the right to perform administrative acts which by common law are committed to the superior administrative authority of a Church sui iuris, however, with the consent of the council of hierarchs.

Canon 168 - With regard to the appointment of the metropolitan and bishops, for each case the council of hierarchs is to compose a list of at least three of the more suitable candidates and send the list to the Apostolic See, observing secrecy even toward the candidates; in order to compile the list, the members of the council of hierarchs, if they judge it to be expedient, can seek the opinion of certain presbyters or other Christian faithful outstanding in wisdom concerning the needs of the Church and the special talents of a person required for the episcopate.

Canon 169 - The council of hierarchs is to see that the pastoral needs of the Christian faithful are provided for, and, concerning these needs, can establish what is considered to be opportune to provide for an increase of

the faith, the fostering of common pastoral action, the supervision of morals and the observation of their own rite as well as common ecclesiastical discipline.

Canon 170 - The council of hierarchs is to be held at least once a year and whenever special circumstances require it or matters of common law which are reserved to this council or which require the consent of this council need to be settled.

Canon 171 - The council of hierarchs is to draw up its statutes, transmitting them to the Apostolic See, in which are provided a secretary for the council, preparatory commissions, the order of procedure as well as other means which they consider effective for the attainment of its goals.

Canon 172 - In a metropolitan Church sui iuris an assembly is to be held according to the norm of cann.

140-145 and is to be convoked at least every five years; the metropolitan is competent to do whatever is said there about the patriarch.

Canon 173 - §1. During the vacancy of the metropolitan see in an metropolitan Church sui iuris: 1° the administrator of the metropolitan Church sui iuris is the eparchial bishop of the same Church senior according to episcopal ordination, who as soon as possible notifies the Roman Pontiff of the vacancy of the metropolitan see;

2° to the administrator of a metropolitan Church sui iuris passes the ordinary power of the metropolitan in all matters excluding those which cannot be done without the consent of the council of hierarchs; 3° in a vacant metropolitan see there are to be no innovations.

§2. In an impeded metropolitan see of these Churches those things are to be observed which are established for an impeded patriarchal see in can. 132, §1; the metropolitan is competent to do whatever is said there about the patriarch.

§3. Concerning the vacant or impeded see of the eparchy of the metropolitan cann. 221-233 are to be observed.

Chapter II. Other Churches Sui Iuris

Canon 174 - A Church sui iuris, which is neither patriarchal, major archiepiscopal nor metropolitan is entrusted to a hierarch who presides over it according to the norm of common law and particular law established by the Roman Pontiff.

Canon 175 - These Churches immediately depend on the Apostolic See; however, the hierarch exercises the rights and obligations mentioned in can. 159, nn. 3-8, as a delegate of the Apostolic See.

Canon 176 - If common law remits something to particular law or to the superior administrative authority of a Church sui iuris, the competent authority in these Churches is the hierarch who presides over it according to the norm of law with the consent of the Apostolic See, unless it is expressly stated otherwise.

TITLE VII. EPARCHIES AND BISHOPS

Chapter I. Bishops

Canon 177 - §1. An eparchy is a portion of the people of God which is entrusted for pastoral care to a bishop with the cooperation of the presbyterate so that, adhering to its pastor and gathered by him in the Holy Spirit through the Gospel and the Eucharist, it constitutes a particular Church in which the one, holy, catholic and apostolic Church of Christ is truly present and operative.

§2. In the erection, modification, and suppression of eparchies within the territorial boundaries of a patriarchal Church, can. 85, §1 is to be observed; in other cases the erection, modification and suppression of eparchies is solely within the competence of the Apostolic See.

Canon 178 - The eparchial bishop, as a vicar and legate of Christ, governs in his own name the eparchy entrusted to him for shepherding. This power, which he exercises personally in the name of Christ, is proper, ordinary, and immediate, although its exercise is ultimately regulated by the Supreme Authority of the Church and can be defined with certain limits should the usefulness of the Church or the Christian faithful require it.

Canon 179 - Bishops to whom an eparchy has not been entrusted for governing in their own name, whatever other function in the Church they exercise or exercised, are called titular bishops.

Art. I. The Election of Bishops

Canon 180 - In order for a person to be considered suitable for the episcopate, it is required that he: 1° demonstrate solid faith, good morals, piety, zeal for souls and prudence; 2° enjoy a good reputation;

3° not be bound by a matrimonial bond;

4° be at least thirty-five years old;

5° ordained a presbyter for at least five years;

6° possess a doctorate or licentiate in some sacred science or at least be an expert in it.

Canon 181 - §1. Bishops inside the territorial boundaries of the patriarchal Church are nominated to a vacant see or to fulfill another function by canonical election according to the norms of cann. 947-957, unless otherwise provided in common law.

§2. Other bishops are appointed by the Roman Pontiff without prejudice to cann. 149 and 168.

Canon 182 - §1. Candidates suitable for the episcopate can be proposed only by members of the synod of bishops of the patriarchal Church who can, according to the norm of particular law, collect information and documents which are necessary to establish the suitability of the candidates, hearing, if they think it appropriate, secretly and individually, certain presbyters or also other Christian faithful outstanding in prudence and Christian life.

§2. The bishops are to report their findings to the patriarch at a suitable time prior to the convocation of the synod of bishops of the patriarchal Church. The patriarch, if the case warrants it, adding his own additional information, transmits the matter to all the members of the synod.

§3. Unless particular law approved by the Roman Pontiff states otherwise, the synod of bishops of the patriarchal Church is to examine the names of the candidates and compile a list of the candidates by secret ballot, which is to be transmitted through the patriarch to the Apostolic See to obtain the assent of the Roman Pontiff.

§4. The assent of the Roman Pontiff once given for an individual candidate is valid until it has been explicitly revoked, in which case the name of the candidate is to be removed from the list.

Canon 183 - §1. The convocation having been canonically made, if two-thirds of the bishops who are obliged to attend the synod of bishops of the patriarchal Church are present in the designated place, not counting those

who are legitimately impeded, the synod is to be declared canonical and the election can proceed.

§2. The bishops are freely to elect the one whom before all others they consider worthy and suitable before the Lord.

§3. For election an absolute majority of the votes of those present is required; after three inconclusive ballots, the votes are cast in the fourth ballot for only those two candidates who received the greatest number of votes in the third ballot.

§4. If in the third or fourth ballots, because of a tied vote, it is not established who the candidates are for the new ballot or who has been elected, the tie is decided in favor of him who is senior according to presbyteral ordination. If no one precedes the others in presbyteral ordination, the one who is senior in age.

Canon 184 - §1. If the one elected is on the list of candidates which the Roman Pontiff has already approved, he is to be informed secretly of the results of the election by the patriarch.

§2. If the one elected accepts the election, the patriarch is to notify the Apostolic See immediately of the acceptance of the election and the day of proclamation.

Canon 185 - §1. If the one elected is not on the list of candidates, the patriarch is immediately to notify the Apostolic See of the completed election in order to obtain the approval of the Roman Pontiff, secrecy being observed by all who in any way know the results of the election, even toward the one elected, until notification of the assent has reached the patriarch.

§2. After obtaining the approval of the Roman Pontiff, the patriarch secretly is to inform the one elected of the election and acts according to the norms of can. 184, §2.

Canon 186 - §1. If the synod of bishops of the patriarchal Church cannot be convened, the patriarch, after consulting the Apostolic See, can request the

vote of the bishops by letter. In this case, the patriarch must employ for the validity of the act the services of two episcopal tellers, who are to be designated according to the norm of particular law, or, lacking this, by the patriarch with the consent of the permanent synod.

§2. Observing secrecy, the tellers are to open the letters of the bishops, count the votes and sign the written report of the completed ballot along with the patriarch.

§3. If one of the candidates obtains an absolute majority of the votes of the members of the synod in this one ballot, he is elected and the patriarch proceeds according to the norms of cann. 184 and 185.

Otherwise the patriarch defers the matter to the Apostolic See.

Canon 187 - §1. Canonical provision is necessary for anyone to be promoted to the episcopate, by which the person is constituted the eparchial bishop of a determined eparchy or by which another determined function in the Church is committed to him.

§2. Prior to episcopal ordination the candidate is to make a profession of faith and a promise of obedience to the Roman Pontiff and, in patriarchal Churches, also a promise of obedience to the patriarch in those matters in which he is subject to the patriarch according to the norm of law.

Canon 188 - §1. Unless prevented by a legitimate impediment, one promoted to the episcopate must receive episcopal ordination within three months from the day of proclamation if it is a case of election, or from the reception of the apostolic letter if it is a case of appointment.

§2. The eparchial bishop must take canonical possession of the eparchy within four months from the day of episcopal election or appointment.

Canon 189 - §1. The eparchial bishop takes canonical possession of the eparchy by the enthronement itself, legitimately carried out, in which the apostolic or patriarchal letter of canonical provision is publicly read.

§2. Upon completion of the enthronement, a document is to be drawn up and signed by the eparchial bishop along with the chancellor of the curia and at least two witnesses and kept in the archives of the eparchial curia.

§3. Before the enthronement the bishop may not involve himself in the governance of the eparchy either personally, through others, or in virtue of any title. But if he had some office in the vacant eparchy he can retain and exercise it.

Art. II. The Rights and Obligations of Eparchial Bishops

Canon 190 - The eparchial bishop represents the eparchy in all its juridic affairs.

Canon 191 - §1. The eparchial bishop governs the eparchy entrusted to him with legislative, executive and judicial power.

§2. The eparchial bishop personally exercises legislative power; he exercises executive power either personally or through a protosyncellus or syncellus; he exercises judicial power either personally or through a judicial vicar and judges.

Canon 192 - §1. In the exercise of his pastoral function, the eparchial bishop is to show that he is concerned for all the Christian faithful who are committed to his care, regardless of age, condition, nation or Church sui iuris, both those who live within the territory of his eparchy and those who are staying in it temporarily; he is to extend his apostolic spirit also to those who cannot sufficiently make use of ordinarily pastoral care due to their condition in life as well as to those who no longer practice their religion.

§2. In a special way the eparchial bishop is to see that all Christian faithful committed to his care foster unity among Christians according to principles approved by the Church.

§3. The eparchial bishop is to consider the non-baptized as being committed to him in the Lord and see that the love of Christ shines upon them from the witness of the Christian faithful living in ecclesiastical communion.

§4. The eparchial bishop is to attend to presbyters with special concern and listen to them as assistants and advisers; he is to protect their rights and see to it that they correctly fulfill the obligations proper to their state and that means and institutions which they need are available to them to foster their spiritual and intellectual life.

§5. The eparchial bishop is to see that the families of his clerics, if they are married, be provided with adequate support, appropriate protection and social security in addition to health insurance according to the norm of law.

Canon 193 - §1. The eparchial bishop to whom the care of Christian faithful of another Church sui iuris are committed is bound by the serious obligation of providing all the things in order that these Christian faithful retain the rite of their own Church, cultivate and observe it as much as they can; he should foster relations with the higher authority of that Church.

§2. The eparchial bishop is to provide for the spiritual needs of those Christian faithful, if it is possible, through presbyters or pastors of the same Church sui iuris as the Christian faithful or even through a syncellus constituted for the care of these Christian faithful.

§3. Eparchial bishops, who appoint such presbyters, pastors or syncelli for the care of Christian faithful of patriarchal Churches, are to formulate plans of action with the patriarchs who are concerned in the matter and, if they are in agreement, act by their own authority and notify the Apostolic See as soon as possible; if the patriarchs, for any reason whatever, disagree, the matter is to be referred to the Apostolic See.

Canon 194 - The eparchial bishop can confer dignities upon clerics subject to them, others excluded, according to the norm of the particular law of their own Church sui iuris.

Canon 195 - As much as possible, the eparchial bishop is to foster priestly, diaconal and monastic vocations, vocations to institutes of consecrated life and to the missions.

Canon 196 - §1. The eparchial bishop is bound to present and explain to the Christian faithful the truths of the faith, which are to be believed and

applied to moral issues by frequently preaching in person. He is also to take care that the prescriptions of the law concerning the ministry of the word of God be carefully observed, especially those about the homily and catechetical formation, so that the whole of Christian doctrine is handed on to all.

§2. He is to protect firmly the integrity and unity of the faith.

Canon 197 - The eparchial bishop, while mindful of the obligation binding him to manifest an example of holiness in charity, humility and simplicity of life, is to make every effort to promote the holiness of the Christian faithful according to the vocation of each; since he is the principal dispenser of the mysteries of God, he is to endeavor to have the Christian faithful committed to his care grow in grace through the celebration of the sacraments and especially by participation in the Divine Eucharist and especially to know and live deeply the paschal mystery so that they become one Body in the unity of the love of Christ.

Canon 198 - The eparchial bishop is to celebrate the Divine Liturgy frequently for the people of the eparchy entrusted to him; he must celebrate on the days prescribed by the particular law of his own Church sui iuris.

Canon 199 - §1. The eparchial bishop, as the moderator, promoter and guardian of the entire liturgical life in the eparchy committed to him, must be vigilant that it be fostered as much as possible and ordered according to the prescriptions and legitimate customs of his own Church sui iuris.

§2. The eparchial bishop is to see to it that in his own cathedral at least part of the divine praises are celebrated, even daily, according to the lawful customs of his own Church sui iuris; also, in any parish if possible, the divine praises are to be celebrated on Sundays, feast days, principal solemnities and their vigils.

§3. The eparchial bishop is to preside frequently at the divine praises in the cathedral or other church, especially on holy days of obligation, and on other solemnities in which a sizeable part of the people participate.

Canon 200 - The eparchial bishop can celebrate sacred functions in the entire eparchy, which are to be solemnly carried out by himself according to the prescriptions of the liturgical books and vested in all of the pontifical insignia, but not outside the boundaries of his own eparchy without the express or at least reasonably presumed consent of the eparchial bishop.

Canon 201 - §1. Since he is obliged to safeguard the unity of the entire Church, the eparchial bishop is to promote the common discipline of the Church as well as to urge the observance of all ecclesiastical laws and legitimate customs.

§2. The eparchial bishop is to be vigilant lest abuses creep into ecclesiastical discipline, especially concerning the ministry of the word of God, the celebration of the sacraments and sacramentals, the worship of God and the saints and the execution out of pious wills.

Canon 202 - The eparchial bishops of several Churches sui iuris exercising authority in the same territory are to see that, gathered for consultation in periodic meetings, they foster unity of action and through combined efforts assist in common works for the effective promotion of the good of religion and the effective protection of ecclesiastical discipline.

Canon 203 - §1. The eparchial bishop is to foster various forms of the apostolate in the eparchy and see to it that all of the works of the apostolate in the entire eparchy or in particular districts are coordinated under his direction, each one according to its own character.

§2. The eparchial bishop is to urge the obligation by which the faithful are bound to exercise the apostolate according to each one's condition and ability, and to exhort them to participate and help in the various works of the lay apostolate according to the needs of place and time.

§3. The eparchial bishop is to promote associations of the Christian faithful which pursue a spiritual purpose directly or indirectly; establishing, approving or commending them where expedient according to the norm of the law.

Canon 204 - §1. The eparchial bishop, even if he has a coadjutor or auxiliary bishop, is bound by the obligation of residing in his own eparchy.

§2. In addition to those obligations which require a legitimate absence from his own eparchy, the bishop can be absent for a just cause for not more than one continual or interrupted month, so long as the precaution is taken that the eparchy not suffer harm from his absence.

§3. The eparchial bishop, except for some grave cause, must not be absent from his eparchy on days of special solemnity established by particular law according to the tradition of his own Church sui iuris.

§4. If an eparchial bishop exercising his authority within the territorial boundaries of the patriarchal Church has been unlawfully absent beyond six months from the eparchy entrusted to him, the patriarch is immediately to defer the matter to the Roman Pontiff. In other cases this is to be done by the metropolitan or, if the metropolitan himself has been unlawfully absent, by the eparchial bishop senior in episcopal ordination and subject to that same metropolitan.

Canon 205 - §1. The eparchial bishop is bound by the obligation of canonically visiting the eparchy either entirely or in part every year so that at least every five years he himself or, if legitimately impeded, the coadjutor bishop, the auxiliary bishop, the proto-syncellus or syncellus, or some other presbyter, should canonically visit the entire eparchy.

§2. Persons, Catholic institutions, sacred things and places within the boundaries of the eparchy are subject to the canonical visitation of the eparchial bishop.

§3. The eparchial bishop can visit members of religious institutes as well as those of societies of common life in the manner of the religious who are of pontifical or patriarchal right and their houses only in the cases expressed in law.

Canon 206 - §1. The eparchial bishop exercising his authority in the territorial boundaries of a patriarchal Church is obliged to make a report every five years to the patriarch about the status of the eparchy committed

to him, according to the manner set up by the synod of bishops of the patriarchal Church. The bishop is to submit a copy of the report to the Apostolic See as soon as possible.

§2. Other eparchial bishops must make the same report to the Apostolic See every five years, and, if it is a case of bishops of a patriarchal Church or metropolitan Church sui iuris, they are to send a copy of the report to the patriarch or metropolitan as soon as possible.

Canon 207 - An eparchial bishop of any Church sui iuris, even of the Latin Church, is to inform the Apostolic See on the occasion of the quinquennial report, about the status and needs of the Christian faithful who, even if they are enrolled in another Church sui iuris, are committed to his care.

Canon 208 - §1. An eparchial bishop exercising authority within the territorial boundaries of a patriarchal Church, within five years of his enthronement, is to make a visit to Rome along with the patriarch, insofar as this can be done, so that he may venerate the tombs of blessed apostles Peter and Paul and appear before the successor of Saint Peter in the primacy over the entire Church.

§2. Other eparchial bishops are to make the visitation to Rome personally every five years or, if legitimately impeded, through another; if it is a case of bishops of a patriarchal Church, it is desirable that at least some time it be done with the patriarch.

Canon 209 - §1. The eparchial bishop must commemorate the Roman Pontiff before all as a sign of full communion with him in the Divine Liturgy and the divine praises according to the prescriptions of the liturgical books and to see to it that it be faithfully done by the other clergy of the eparchy.

§2. The eparchial bishop must be commemorated by all the clergy in the Divine Liturgy and the divine praises according to the prescriptions of the liturgical books.

Canon 210 - §1. An eparchial bishop who has completed his seventy-fifth year of age or who, due to ill health or to another serious reason, has

become less able to fulfill his office, is requested to present his resignation from office.

§2. This resignation from office by the eparchial bishop is to be submitted to the patriarch if it is the case of an eparchial bishop exercising authority inside the territorial boundaries of a patriarchal Church; in other cases, it is submitted to the Roman Pontiff; further, if the bishop belongs to a patriarchal Church, the patriarch is to be notified as soon as possible.

§3. To accept this resignation the patriarch needs the consent of the permanent synod, unless a request for resignation was made previously by the synod of bishops of the patriarchal Church.

Canon 211 - §1. An eparchial bishop, whose resignation from office was accepted, obtains the title of eparchial bishop emeritus of the eparchy he governed and can retain a residence in the eparchy itself unless in certain cases due to special circumstances other provisions are made by the Apostolic See or, if it is an eparchy inside the territorial boundaries of a patriarchal Church, by the patriarch with the consent of the synod of bishops of the patriarchal Church.

§2. The synod of bishops of the patriarch Church or council of hierarchs must see that suitable and dignified support is provided for eparchial bishops emeriti, with due regard for the primary obligation which rests upon the eparchy which he has served.

Art. III. Coadjutor Bishops and Auxiliary Bishops

Canon 212 - §1. If the pastoral needs of the eparchy warrant it, one or several auxiliary bishops can be appointed upon the request of the eparchial bishop.

§2. In more serious circumstances, even of a personal nature, a coadjutor bishop can be appointed ex officio with the right of succession and endowed with special powers.

Canon 213 - §1. In addition to the rights and obligations which are established in common law, a coadjutor bishop also has those which are

defined in the letters of canonical provision.

§2. The patriarch himself, after having consulted the permanent synod, determines the rights and obligations of a coadjutor bishop appointed by the patriarch; but if it is the case of a coadjutor bishop who is to be granted all the rights and obligations of an eparchial bishop, the consent of the synod of bishops of the patriarchal Church is required.

§3. The rights and obligations of auxiliary bishops are those which are established by common law.

Canon 214 - §1. The coadjutor bishop and the auxiliary bishop, in order that they may take canonical possession of their office, must show the letters of canonical provision to the eparchial bishop.

§2. Furthermore, a coadjutor bishop must show these letters of canonical provision to the college of eparchial consultors.

§3. If the eparchial bishop is completely impeded, it is sufficient that the coadjutor bishop and the auxiliary bishop show the letters of Canonical provision to the college of eparchial consultors.

§4. The chancellor of the curia must be present at the presentation of the letters and is to officially record the event.

Canon 215 - §1. A coadjutor bishop takes the place of the absent or impeded eparchial bishop; he must be appointed protosyncellus; the eparchial bishop must commit to him, before others, those things which by law require a special mandate.

§2. Without prejudice to the prescription of 1, the eparchial bishop is to appoint the auxiliary bishop as protosyncellus. However, if there are several, he is to appoint one of them protosyncellus and the others as syncelli.

§3. The eparchial bishop is to consult the auxiliary bishop before others in considering matters of great importance, especially those of a pastoral nature.

§4. The coadjutor bishop and the auxiliary bishop, who are called to share in the concerns of the eparchial bishop, are to exercise their office so that they act in unanimous agreement with him in all matters.

Canon 216 - §1. The coadjutor bishop and the auxiliary bishop not detained by a just impediment must, as often as requested by the eparchial bishop, carry out the functions which the eparchial bishop himself would carry out.

§2. The eparchial bishop will not habitually commit to others those episcopal rights and functions which the coadjutor bishop and the auxiliary bishop can and wish to exercise.

Canon 217 - The coadjutor bishop and the auxiliary bishops are bound by the obligation of residing in the eparchy from which they are not to depart except for a short time unless they are fulfilling some function outside the eparchy or are on vacation, which is not to be extended beyond a month.

Canon 218 - The prescriptions of cann. 210 and 211, §2 regarding resignation from office are applicable to a coadjutor bishop or auxiliary bishop. They are to be given the title of emeriti of the office previously held.

Art. IV. The Vacant or Impeded Eparchial See

Canon 219 - The eparchial see becomes vacant at the death, resignation, transfer or privation of office of the eparchial bishop.

Canon 220 - With regard to a vacant see located inside the territorial boundaries of a patriarchal Church, in addition to cann. 225-232 and without prejudice to cann. 222 and 223, the following are to be observed: 1° the patriarch is to inform the Apostolic See as soon as possible of the vacancy of the eparchial see; 2° until the appointment of an administrator of the eparchy, the ordinary power of the eparchial bishop transfers to the patriarch, unless otherwise provided by the particular law of the patriarchal Church or by the Roman Pontiff;

3° the patriarch is to appoint an administrator of the eparchy within a month of available time from the reception of notice of the vacancy of the

eparchial see, after consulting the bishops of the patriarchal curia, if there are any, otherwise after consulting the permanent synod. If the month elapses and this is not done, the appointment of an administrator devolves to the Apostolic See; 4° the administrator of the eparchy, after making the profession of faith in the presence of the patriarch obtains authority, but is not to exercise it unless he has taken canonical possession of the office by presenting the letters of his appointment to the college of eparchial consultors; 5° the patriarch is to see that a worthy and suitable eparchial bishop be assigned to the vacant eparchial see as soon as possible, but not beyond the limits established by common law.

Canon 221 - Except for the vacant eparchial sees mentioned in can. 220, in other cases of a vacant eparchial see, the following are to be observed in addition to cann. 225-232 and without prejudice to cann. 222 and 223:

1° the metropolitan, or otherwise the one who, according to the norm of can. 271, §5, presides over the college of eparchial consultors, is to inform the Apostolic See as soon as possible of the vacancy of the see and, if it is an eparchy of a patriarchal Church, the patriarch; 2° until the appointment of an administrator the governance of the eparchy, unless otherwise provided by the Apostolic See, transfers to the auxiliary bishop or, if there are several, to the one senior by episcopal ordination or, if there is no auxiliary bishop, to the college of eparchial consultors. They govern the eparchy with that authority which common law accords to a protosyncellus; 3° the college of eparchial consultors must elect an administrator of the eparchy according to the norm of the canons on elections within eight days from the reception of the news of the vacancy of the eparchial see; for validity of the election, an absolute majority of the votes of the members of this same college is required;

4° if within eight days, the administrator of the eparchy has not been elected or if the one elected lacks the conditions required in can. 227, §2 for the validity of the election, the appointment of an administrator of the eparchy devolves to the metropolitan or, if none exists or he is impeded, to the Apostolic See; 5° the administrator of an eparchy legitimately elected or appointed immediately obtains authority and does not need any confirmation. As soon as possible he is to inform the Apostolic See of his

election or of his appointment by the metropolitan and, if he belongs to a patriarchal Church, also the patriarch.

Canon 222 - The coadjutor bishop, provided that he has already taken canonical possession of his office, upon the vacancy of the eparchial see becomes by the law itself, the administrator of the eparchy until he has been enthroned as the eparchial bishop.

Canon 223 - In the case of a transfer to another eparchial see, the eparchial bishop must take canonical possession of the new eparchy within two months from the notification of the transfer. In the interim, in the former eparchy:

1° he has the rights and obligations of the administrator of the eparchy; 2° he retains the honorific privileges of eparchial bishops;

3° he continues to receive the entire income of the previous office.

Canon 224 - §1. When the see becomes vacant, the protosyncellus and the syncelli immediately cease from office unless they are:

1° ordained bishops;

2° constituted in the eparchy of the patriarch;

3° constituted in an eparchy located inside the territorial boundaries of a patriarchal Church, until the administrator of the eparchy takes canonical possession of his office.

§2. Those things legitimately done by the protosyncellus and syncelli have full force until they have received certain notice of the vacancy of the eparchial see; when the vacancy is certain, they cease from office immediately.

§3. When the eparchial see is vacant, the auxiliary bishop retains the power which he enjoyed as protosyncellus or syncellus when the see was occupied and which is conferred upon him by the law; this authority is to be exercised under the authority of the administrator of the eparchy unless

otherwise determined by the Apostolic See or by the particular law of his own patriarchal Church.

Canon 225 - §1. Only one person is to be elected or appointed administrator of the eparchy and all contrary customs are reprobated.

§2. If the eparchial finance officer becomes the administrator of the eparchy another interim eparchial finance officer is to be elected by the council for economic affairs.

Canon 226 - In the process of constituting the administrator of an eparchy neither the patriarch nor the college of eparchial consultors can retain any part of the authority for themselves nor determine a time limit for holding the office or establish any other restriction.

Canon 227 - §1. The administrator of an eparchy is to manifest integrity, piety, sound doctrine and prudence.

§2. Only a bishop or a presbyter who is not bound by the bond of matrimony, who has completed thirty five years of age and who has not already been elected, proposed, appointed or transferred to the same vacant see can be validly elected or appointed to the office of administrator of the eparchy. If these conditions have been neglected, the acts of the one elected or appointed are null by the law itself.

Canon 228 - §1. When the see is vacant there are to be no innovations.

§2. Those who temporarily care for the governance of the eparchy are prohibited from doing anything which could be prejudicial to the eparchy or episcopal rights. They themselves and all other persons are specifically prohibited from removing, destroying or altering any documents of the eparchial curia either personally or through another.

Canon 229 - The administrator of the eparchy has the same rights and obligations as the eparchial bishop, unless the law provides otherwise or it is evident from the nature of the matter.

Canon 230 - Unless otherwise lawfully provided:

1° the administrator of an eparchy has the right to an appropriate remuneration to be established by particular law or determined by lawful custom and which is to be taken from the goods of the eparchy; 2° the other income accruing to the eparchial bishop during the time when the eparchial see is vacant is reserved to the future eparchial bishop for the needs of the eparchy, observing the prescriptions of the particular law which define the manner in which the income must be spent.

Canon 231 - §1. The resignation of the administrator of an eparchy is to be made to the patriarch if he designated the administrator, otherwise to the college of eparchial consultors, in which case it is not necessary that it accept the resignation for it to be valid.

§2. The removal of an administrator of an eparchy inside the territorial boundaries of a patriarchal Church is the competency of the patriarch with the consent of the permanent synod, otherwise, it is reserved to the Apostolic See.

§3. After the death, resignation or removal of the administrator of the eparchy, a new one is constituted by the same authority and in the same manner as prescribed for the previous one.

§4. The administrator of an eparchy ceases to hold office when the new eparchial bishop takes Canonical possession of the eparchy. The new eparchial bishop can require an account of his administration.

Canon 232 - §1. When the eparchial see is vacant the eparchial finance officer carries out his office under the authority of the administrator of the eparchy. The administration of the ecclesiastical goods which on account of the vacancy of the eparchial see do not have an administrator reverts to him, unless the patriarch or college of eparchial consultors have provided otherwise.

§2. For the resignation or removal of the eparchial finance officer when the see is vacant, the norms of can. 231, §§1 and 2 are to be observed.

§3. Inside the territorial boundaries of the patriarchal Church, if the eparchial finance officer lost the right to his office in any manner, the

election or appointment of a new finance officer is the competency of the patriarch after having consulted the bishops of the patriarchal curia, if there are any, otherwise, having consulted the permanent synod. In other cases the finance officer is elected by the college of eparchial consultors.

§4. The eparchial finance officer must give an account of his administration to the new eparchial bishop, and, after he has given it, he ceases to hold office unless he is confirmed in his office by the same bishop.

Canon 233 - §1. When the eparchial see is impeded by captivity, banishment, exile or incapacity of the eparchial bishop, so that he is not able to communicate even by letter to the Christian faithful committed to him, the governance of the eparchy is the responsibility of the coadjutor bishop, unless otherwise provided by the patriarch with consent of the permanent synod in eparchies located inside the territorial boundaries of the Church over which he presides or by the Apostolic See. If there is no coadjutor or if he is impeded, it is the responsibility of the protosyncellus or syncellus or another suitable priest designated by the eparchial bishop. By the law itself, the priest enjoys the rights and obligations of a protosyncellus.

At a suitable time the eparchial bishop can designate several who are to succeed one another in office.

§2. If there are none of the above or they are impeded from assuming the governance of the eparchy, the college of eparchial consultors is to elect a priest who is to govern the eparchy.

§3. One who takes up the governance of an eparchy within the territorial boundaries of a patriarchal Church is to notify the patriarch as soon as possible about the impeded eparchial see and of his assumption of office. In other cases he is to inform the Apostolic See and, if he belongs to a patriarchal Church, the patriarch as well.

Art. V. Apostolic Administrators

Canon 234 - §1. The governance of an eparchy, whether occupied or vacant, is sometimes entrusted by the Roman Pontiff to an apostolic administrator

due to serious and special reasons.

§2. The rights, obligations and privileges of the apostolic administrator are determined by his letters of appointment.

Chapter II. Organs Assisting the Eparchial Bishop in the Governance of the Eparchy

Art. I. The Eparchial Assembly

Canon 235 - The eparchial assembly assists the eparchial bishop in those things which regard the special needs or advantage of the eparchy.

Canon 236 - The eparchial assembly is convened as often as circumstances warrant it in the judgment of the eparchial bishop after he has consulted the presbyteral council.

Canon 237 - §1. It is the right of the eparchial bishop to convene the eparchial assembly and to preside over it personally or through another, to transfer, postpone, suspend, or dissolve it.

§2. If the eparchial see becomes vacant, the eparchial assembly is suspended by the law itself until the new eparchial bishop issues a decree on the matter.

Canon 238 - §1. The following are to be summoned to the eparchial assembly and must be present for it: 1° the coadjutor bishop and the auxiliary bishops;

2° the protosyncellus, syncelli, judicial vicar and eparchial finance officer;
3° the eparchial consultors;

4° the rector of the eparchial major seminary;

5° the protopresbyters;

6° at least one pastor from each district, to be elected by all of those who actually have the care of souls, the protopresbyter presiding over the election; another presbyter is to be elected as an alternate to fill in for him if he is impeded;

7° the members of the presbyteral council and some delegates of the pastoral council, if it exists, elected by the same council in the manner and

number established by particular law; 8° some deacons elected according to the norms of particular law; 9° superiors of monasteries sui iuris and some superiors of other institutes of consecrated life which have houses in the eparchy, to be elected in the manner and number established by particular law; 10° lay people elected by the pastoral council, if it exists, or designated in some other manner determined by the eparchial bishop so that the number of lay people does not exceed one-third of the members of the eparchial assembly.

§2. The eparchial bishop, if he judges it opportune, can invite to the eparchial assembly others also, not excluding persons of other Churches sui iuris, to all of whom he can even grant the right to vote.

§3. Some observers from non-Catholic Churches or ecclesial communities can also be invited to the eparchial assembly.

Canon 239 - Those who must be present at the eparchial assembly, if detained by a legitimate impediment, cannot send proxies who would attend in their name at the eparchial assembly, but must notify the eparchial bishop of the impediment.

Canon 240 - §1. With due regard for the right of any Christian faithful to pose questions to be treated at the eparchial assembly, only the eparchial bishop is to determine the matters to be discussed in that assembly.

§2. At a suitable time the eparchial bishop is to appoint one or several commissions whose duty it is to prepare the matters to be discussed in the assembly.

§3. The eparchial bishop is also to see that, at a suitable time, all who are summoned to the assembly are given an agenda of the matters to be discussed.

§4. All of the proposed questions are to be submitted to free discussion in the sessions of the eparchial assembly.

Canon 241 - The eparchial bishop is the sole legislator in the eparchial assembly, the votes of others being only consultative. He is the only one

who signs the decisions which have been made in the eparchial assembly which, if they are promulgated in the same assembly, begin to oblige immediately unless expressly provided otherwise.

Canon 242 - The eparchial bishop is to communicate the text of the laws, declarations and decrees which have been decided upon at the eparchial assembly to the authority which the particular law of his Church sui iuris has determined.

Art. II. The Eparchial Curia

Canon 243 - §1. The eparchial bishop is to have an eparchial curia in his see which assists him in the governance of the eparchy committed to him.

§2. To the eparchial curia belong the protosyncellus, syncelli, judicial vicar, eparchial finance officer and council for economic affairs, chancellor, eparchial judges, promoter of justice and defender of the bond, notaries and other persons assigned by the eparchial bishop for properly fulfilling the offices of the eparchial curia.

§3. If it is necessary or useful for the eparchy the eparchial bishop can establish other offices in the eparchial curia.

Canon 244 - §1. The appointment and removal from office of those who exercise an office in the eparchial curia belongs to the eparchial bishop.

§2. All who are admitted to an office in the eparchial curia must: 1° make a promise to carry out the office faithfully in the manner determined by the law or by the eparchial bishop;

2° observe secrecy within the limits and according to the manner determined by the law or by the eparchial bishop.

1° The Protosyncellus and the Syncelli

Canon 245 - In each eparchy a protosyncellus is to be appointed who, endowed with ordinary vicarious power according to the norm of common law, assists the eparchial bishop in governing the whole eparchy.

Canon 246 - As often as the correct governance of the eparchy requires it, one or several syncelli can be appointed who, in a determined section of the eparchy, in certain types of business or with regard to the Christian faithful enrolled in another Church sui iuris or a certain group of persons, have by the law itself the authority which common law attributes to the protosyncellus.

Canon 247 - §1. The protosyncellus and the syncelli are freely appointed by the eparchial bishop and can freely be removed by him without prejudice to can. 215, §§1 and 2.

§2. The protosyncellus and the syncellus are to be celibate presbyters unless the particular law of their Church sui iuris has established otherwise, insofar as it is possible, they should be from the clergy enrolled in the eparchy, not less than thirty years of age, have a doctorate or licentiate or at least be expert in some sacred science, of sound doctrine, uprightness, prudence and experience in handling matters.

§3. The eparchial bishop is not to commit the office of protosyncellus or syncellus to his blood relatives up to the fourth degree inclusive.

§4. The eparchial bishop can take the protosyncellus or syncelli from another eparchy, even of another Church sui iuris, but with the consent of their eparchial bishop.

Canon 248 - §1. Unless otherwise expressly determined by common law, the protosyncellus in the entire eparchy and the syncelli within the limits of the office committed to them, exercise the same executive powers of governance as the eparchial bishop, excepting those things which the eparchial bishop has reserved to himself or to others or which by law require his own special mandate, by which the act is null if the required mandate is not obtained.

§2. To the protosyncellus and the syncelli within the limits of their competence belong also the habitual faculties granted by the Apostolic See to the eparchial bishop as well as the execution of rescripts of the Apostolic See or of the patriarch, unless otherwise expressly provided or for which the eparchial bishop has been chosen on account of his personal qualifications.

Canon 249 - The protosyncellus and the syncelli must report to the eparchial bishop on the principal matters which are to be treated and which have been treated and they are never to act contrary to his will or mind.

Canon 250 - The protosyncellus and the syncelli who are presbyters have, during the time they hold office, the privileges and insignia of the first dignity after the episcopal dignity.

Canon 251 - §1. The protosyncellus and the syncelli cease from office after the completion of the term, resignation accepted by the eparchial bishop, or removal.

§2. When the eparchial see is vacant, can. 224 concerning the protosyncellus and the syncelli shall be observed.

§3. With the suspension of the office of the eparchial bishop, the authority of the protosyncellus and the syncelli is suspended unless they are ordained bishops.

2° The Chancellor, Other Notaries and the Archives of the Eparchial Curia

Canon 252 - §1. In the eparchial curia a chancellor is to be appointed who is to be a presbyter or deacon and whose principal obligation, unless otherwise established by the particular law, is to see that the acts of the curia are gathered and arranged as well as preserved in the archives of the eparchial curia.

§2. If it seems necessary the chancellor can be given an assistant whose title is vice-chancellor.

§3. The chancellor as well as the vice-chancellor are by the law itself notaries of the eparchial curia.

Canon 253 - §1. Besides the chancellor other notaries can be appointed whose signature establishes the authenticity of any acts whatsoever, of judicial acts only or of the acts of a certain case or transaction only.

§2. Notaries are to be of good character and above reproach; a priest must be the notary in cases in which the reputation of a cleric can be called into

question.

Canon 254 - It is the notaries' duty:

1° to write the acts and documents relating to decrees, dispositions, obligations or other tasks which are required of them;

2° to put faithfully into writing those things which are done and to sign the acts of these matters with a notation of the place, day, month and year;

3° with due consideration of all requirements, to furnish acts or documents to one legitimately requesting them and to declare copies of them to be in conformity with the original.

Canon 255 - The chancellor and other notaries can be freely removed from office by the eparchial bishop, but not by the eparchial administrator except with the consent of the college of eparchial consultors.

Canon 256 - §1. The eparchial bishop is to set up in a safe place the archive of the eparchial curia in which documents pertaining to affairs of the eparchy are to be preserved.

§2. With all diligence and care, an inventory is to be drawn up of the documents which are preserved in the archive of the eparchial curia with a brief synopsis of each of the documents.

Canon 257 - §1. The archive of the eparchial curia is to be locked and the key kept by the eparchial bishop and the chancellor; no one is permitted to enter it without the permission of the eparchial bishop alone or the protosyncellus along with the chancellor.

§2. It is a right of interested parties to obtain personally or through their proxy an authentic copy of documents which are public by their nature and which pertain to the status of such persons.

Canon 258 - It is not permitted to remove documents from the archive of the eparchial curia except for a brief time only and with permission either of the eparchial bishop alone or the protosyncellus along with the chancellor.

Canon 259 - §1. There is also to be a secret archive in the eparchial curia or at least a secret safe in the archive of the eparchial curia, completely closed and locked, which cannot be removed from the place, and in which documents to be kept secret are preserved.

§2. Each year, the procedural acts for inflicting penalties in matters of morals are to be destroyed in which the guilty party has died, or in which ten years have elapsed, retaining a brief summary of the facts and the text of the definitive sentence or decree.

Canon 260 - §1. Only the eparchial bishop may have the key to the secret archives or the secret safe.

§2. When the eparchial see is vacant the secret archive or secret safe are not to be opened except in a case of true necessity and then by the eparchial administrator himself.

§3. Documents are not to be removed from the secret archive or secret safe.

Canon 261 - §1. The eparchial bishop is to see that the acts and documents of the archive of cathedral, parochial and other churches existing within the territorial boundaries of the eparchy are diligently preserved and two copies of the inventory of the acts and documents are to be made, one of which is to be preserved in the church's own archive and the other to be preserved in the archive of the eparchial curia.

§2. In order to inspect or remove the acts and documents of these archives, the norms established by the eparchial bishop are to be observed.

3° The Eparchial Finance Officer and Finance Council

Canon 262 - §1. The eparchial bishop, after consulting the college of eparchial consultors and the finance council, is to appoint an eparchial finance officer who is to be a member of the Christian faithful expert in economic matters and distinguished for honesty.

§2. The eparchial finance officer is appointed for a term determined by particular law; he is not to be removed during his term of office except for

serious cause in the judgment of the eparchial bishop after consulting the college of eparchial consultors and the finance council.

§3. It is the duty of the eparchial finance officer, under the authority of the eparchial bishop, who is to determine more fully the finance officer's rights and relationships to the finance council, to administer the temporal goods of the eparchy, to supervise the administration of ecclesiastical goods in the whole eparchy, to provide for their preservation, safety and increase, to supply for the negligence of local administrators and to administer the goods which lack an administrator designated by the law.

§4. The eparchial finance officer must account for his or her administration to the eparchial bishop every year and as often as it is requested by the eparchial bishop; the eparchial bishop is to examine the account presented by the eparchial finance officer through the finance council.

§5. Can. 232 is to be observed in regard to the obligations of the eparchial finance officer when the eparchial see is vacant.

Canon 263 - §1. The eparchial bishop is to establish a finance council which consists of a president, who is the eparchial bishop himself, and of other suitable persons expert even if possible, in civil law, appointed by the eparchial bishop after consulting the college of eparchial consultors unless some other equivalent process is already provided by the particular law of his Church sui iuris, always without prejudice to the needs for those who have been elected or appointed by others to have the confirmation of the eparchial bishop.

§2. The eparchial finance officer is, by the law itself, a member of the finance council.

§3. Those who are related to the eparchial bishop up to the fourth degree inclusive of consanguinity or affinity are excluded from membership on the finance council.

§4. In actions of greater importance regarding economic matters the eparchial bishop is not to omit hearing the finance council; the members of the council have only a consultative vote, unless expressly required by

common law in special cases or if the document creating the council requires their consent.

§5. Besides the functions given to it in common law, the finance council is to prepare an annual budget of the revenues and expenditures foreseen in the coming year in the governance of the whole eparchy as well as examine the account of revenues and expenses at the end of the year.

Art. III. The Presbyteral Council and College of Eparchial Consultors

Canon 264 - A presbyteral council must be established in the eparchy, that is a body of priests representing the presbyterate, and which, according to the norm of the law, assists the eparchial bishop by its advice in those things which regard the needs of pastoral work and the good of the eparchy.

Canon 265 - The presbyteral council is to have its own statutes approved by the eparchial bishop without prejudice to the norm of common law and the particular law of its own Church sui iuris.

Canon 266 - The following are to be observed in regard to the constitution of the presbyteral council: 1° an appropriate portion of the members are to be elected by the priests themselves according to the norm of the particular law of their Church sui iuris;

2° some priests, according to the norms of the statutes, must be ex officio members who belong to the council in virtue of their offices;

3° it is the right of the eparchial bishop to freely appoint other members.

Canon 267 - §1. In electing the members of the presbyteral council the following have active and passive voice:

1° all presbyters enrolled in the eparchy;

2° other priests who have domicile or quasi-domicile in the eparchy and at the same time exercise some function for the good of the eparchy.

§2. To the extent provided in the statutes, active and passive voice can be conferred also upon other priests who have domicile or quasi-domicile in

the eparchy.

Canon 268 - The manner of electing members to the presbyteral council is to be determined by the statutes so that, insofar as it is possible, the priests of the presbyterate are represented, taking into account especially the different ministries and the various districts of the eparchy.

Canon 269 - §1. It pertains to the eparchial bishop to convoke the presbyteral council, to preside over it and to determine the questions to be treated by it or to receive proposals from members.

§2. The eparchial bishop is to hear the presbyteral council in matters of greater importance and in cases expressly determined by common law he must consult them; however he needs its consent only in cases expressly determined by common law with due regard for the right of the patriarch regarding matters of the eparchy which he himself governs, in these cases the presbyteral council need only be consulted.

§3. The presbyteral council can never act without the eparchial bishop, who alone can divulge those things which have been done in the council itself.

Canon 270 - §1. The members of the presbyteral council are to be designated for a term determined in the statutes so that the whole council or some part of it is renewed within a five-year period.

§2. When the eparchial see is vacant the presbyteral council ceases and its functions are fulfilled by the college of eparchial consultors; within a year from taking canonical possession of the eparchy, the eparchial bishop must establish a new presbyteral council.

§3. If the presbyteral council is no longer fulfilling the function committed to it for the good of the eparchy or is gravely abusing it, the eparchial bishop can dissolve it after consulting with the metropolitan or, if it is a question of the metropolitan see itself, after consulting the eparchial bishop senior in episcopal ordination, who is subject to the same metropolitan, but he must establish a new presbyteral council within a year.

Canon 271 - §1. The eparchial bishop must establish a college of eparchial consultors to which belong the functions determined by law.

§2. The college of eparchial consultors is to be constituted for a five-year period but upon the expiration of the term they continue in the exercise of their functions until a new college is established.

§3. The members of the college of eparchial consultors must be not less than six nor more than twelve in number; if, for any reason whatever, within the determined five-year period there is no minimum number of members of the college, the eparchial bishop is to restore the college by appointment of new members, otherwise the college cannot act validly.

§4. The members of the college of eparchial consultors are freely appointed by the eparchial bishop from those who, at the time of their appointment, are members of the presbyteral council.

§5. The eparchial bishop presides over the college of eparchial consultors; when the eparchial see is vacant or impeded, it is presided over by the one who, in the interim, holds the place of the eparchial bishop or, if none has been designated, by the priest of the college itself who is senior by sacred ordination.

§6. Whenever the law establishes that the eparchial bishop needs the consent of the college of eparchial consultors, it is sufficient for the patriarch, in the matters of the eparchy which he himself governs, that he consult this college.

Art. IV. The Pastoral Council

Canon 272 - In the eparchy, if pastoral circumstances recommend it, a pastoral council is to be established whose responsibility it is, under the authority of the eparchial bishop, to investigate, ponder and propose practical conclusions about those things which regard pastoral works in the eparchy.

Canon 273 - §1. The pastoral council, which is only a consultative body, consists of clerics, religious or members of societies of common life in the

manner of religious, and, especially, of lay people designated in a manner determined by the eparchial bishop.

§2. The pastoral council is to be so established that, insofar as possible, it represents the Christian faithful of the eparchy in regard to the types of persons, associations and other endeavors.

§3. Along with these Christian faithful, if it is suitable, the eparchial bishop can invite others also to the pastoral council, even if they are of another Church sui iuris.

§4. No one except Christian faithful of proven faith, good morals and outstanding prudence are to be appointed to the pastoral council.

Canon 274 - §1. The pastoral council is established for a term according to the prescriptions of the statutes which are to be given by the eparchial bishop.

§2. When the eparchial see is vacant the pastoral council ceases to exist.

Canon 275 - It belongs to the eparchial bishop alone to convoke the pastoral council according to the needs of the apostolate, to preside over it and to publish the things which have been discussed in its meetings.

Art. V. Protopresbyters

Canon 276 - §1. The protopresbyter is a presbyter who is placed over a district consisting of several parishes so that, in the name of the eparchial bishop and in the same district, he may fulfill the functions determined by law.

§2. It belongs to the eparchial bishop, after consulting the presbyteral council, to establish, change and suppress this type of district according to the needs of pastoral action.

Canon 277 - §1. The office of protopresbyter, with due regard to the particular law of his own Church sui iuris, must not be joined in a stable manner to the office of pastor of a certain parish; the eparchial bishop, having heard, if he considers it opportune, the pastors and parochial vicars

of the district in question, is to appoint a presbyter especially among the pastors, outstanding for his doctrine and apostolic fervor.

§2. The protopresbyter is to be appointed for a term determined by particular law.

§3. For a just cause, the eparchial bishop can remove a protopresbyter from office.

Canon 278 - §1. Besides the powers and faculties bestowed upon him by particular law it is the right and obligation of the protopresbyter to:

1° coordinate and promote common pastoral action;

2° see to it that clerics lead a life in harmony with their own state and that they diligently fulfill their obligations;

3° see to it that the Divine Liturgy and the divine praises are celebrated according to the prescriptions of the liturgical books, that the good appearance and condition of the churches and sacred furnishings are carefully maintained especially in the celebration of the Divine Liturgy and custody of the Divine Eucharist, that ecclesiastical goods are carefully administered and, finally, that the parish house is properly cared for.

§2. In the district entrusted to him the protopresbyter:

1° is to see that clerics attend meetings which the local hierarch judges appropriate for promoting the sacred sciences and pastoral affairs;

2° is to take care that clerics have ready access to spiritual helps, and be particularly concerned about those who are found in more difficult circumstances or are beset with problems.

§3. The protopresbyter is to take care that the pastors and their families, if they are married, whom he knows to be seriously ill, do not lack spiritual and material assistance and that the funerals of those who have died are celebrated with dignity. He is also to provide that when they are sick or

have died the books, documents, sacred furnishings and other things which pertain to the Church are not lost or removed.

§4. The protopresbyter is bound by the obligation of visiting the parishes according to the determination made by the eparchial bishop.

Chapter III. Parishes, Pastors and Parochial Vicars

Canon 279 - A parish is a definite community of the Christian faithful established on a stable basis in the eparchy, whose pastoral care in entrusted to a pastor.

Canon 280 - §1. Generally, a parish is to be territorial, that is, it embraces all the Christian faithful of a certain territory; if however, in the judgment of the eparchial bishop, having consulted the presbyteral council, it is expedient, personal parishes are to be erected based on nationality, language, enrollment of the Christian faithful in another Church sui iuris or even upon some other definite determining factor.

§2. It is the competency of the eparchial bishop to erect, modify and suppress parishes after consulting the presbyteral council.

§3. A lawfully established parish is a juridic person by the law itself.

Canon 281 - §1. The pastor is to be a presbyter to whom, as the principal cooperator of the eparchial bishop, is entrusted the care of souls as their proper shepherd in a determined parish under the authority of the same eparchial bishop.

§2. A juridic person cannot validly be a pastor.

Canon 282 - §1. The eparchial bishop, but not the administrator of an eparchy, after consulting the presbyteral council, and with the consent of the major superior of a religious institute or society of common life in the manner of religious, can erect a parish in the church of the same institute or society with due regard for can. 480.

§2. This erection must be done by means of a written agreement made between the eparchial bishop and the major superior of the religious institute or society of common life in the manner of religious. This agreement is to state precisely what parochial ministry is to be fulfilled, the persons to be attached to the parish, the financial arrangements, and what

are the rights and obligations of the members of the same institute or society in that church and what are those of the pastor.

Canon 283 - The eparchial bishop is not to remove from the pastor the partial or total care of certain groups of persons, buildings and places which are in the territory of the parish and are not exempt by law, except for a grave cause.

Canon 284 - §1. The right of naming pastors belongs solely to the eparchial bishop, who freely names them.

§2. To entrust a parish to a member of religious institute or society of common life in the manner of religious, the major superior is to propose a suitable priest of his institute to the eparchial bishop for appointment, with due regard for agreements entered into with the eparchial bishop or other authority determined by the particular law of the proper Church sui iuris.

§3. The pastor possesses stability in his office, therefore he is not to be named for a determined period of time unless:

1° it concerns a member of a religious institute or society of common life in the manner of religious; 2° a candidate agrees to this in writing;

3° it concerns a special case, in which case the consent of the college of eparchial consultors is required; 4° the particular law of his Church sui iuris permits it.

Canon 285 - §1. In order for a presbyter to be named pastor it is necessary that he be of good morals, sound doctrine, zealous for souls, endowed with prudence and the other virtues and gifts which are required by law in order to fulfill the parochial ministry in a praiseworthy manner.

§2. If the presbyter is married, good morals are required in his wife and his children who live with him.

§3. After he has weighed all the circumstances, the eparchial bishop is to confer a vacant parish on the one whom he judges suitable without any partiality; in order to make a judgment concerning a person's suitability he

is to listen to the proto-presbyter, conduct appropriate investigations and, if he considers it opportune, listen also to other Christian faithful especially clerics.

Canon 286 - When the eparchial see is vacant or impeded, the administrator of the eparchy or another who governs the eparchy in the interim, is competent:

1° to name as pastor a presbyter proposed by a major superior according to the norm of can. 284, §2; 2° to name a pastor from other presbyters if the eparchial see has been vacant or impeded for at least one year.

Canon 287 - §1. A pastor is to have the parochial care of only one parish; however the care of several neighboring parishes can be entrusted to the same pastor due to a dearth of presbyters or in other circumstances.

§2. In the same parish there is to be only one pastor; however, if the particular law of the Church sui iuris allows it, a parish may be entrusted to several presbyters; the same particular law is to determine accurately the rights and obligations of the moderator, who directs the common action and reports on it to the eparchial bishop, and what are those of the other presbyters.

Canon 288 - The pastor acquires the care of souls by canonical provision; however, he is not allowed to exercise his office unless he has taken canonical possession of the parish according to the norm of particular law.

Canon 289 - §1. In carrying out the function of teaching, the pastor is bound by the obligation of preaching the word of God to all of the Christian faithful so that they may grow in faith, hope and charity rooted in Christ and that the Christian community may render that witness of love which the Lord commanded; the pastor is also to lead the Christian faithful to full knowledge of the mysteries of salvation by catechetical formation accommodated to the age of each one; for giving this formation he is to seek not only the assistance of members of religious institutes or societies of common life in the manner of religious, but also the cooperation of the laity.

§2. In carrying out the function of sanctifying, the pastor is to take care that the celebration of the Divine Liturgy is the center and culmination of the whole life of the Christian community; and also to labor that the Christian faithful are fed with spiritual food through devout and frequent reception of the sacraments and through conscious and active participation in the divine praises; he is also to be attentive especially to confer the sacrament of penance to foster the Christian life; for which reason he is to make himself readily available to administer this sacrament; even with the help, if it is appropriate, of other priests who understand various languages.

§3. In fulfilling the function of governing, the pastor is first of all to know his flock; since he is the minister of all the sheep, he is to foster growth in the Christian life both in individual members of the Christian faithful and in associations, especially those directed to the apostolate, and in the entire parish community; therefore he is to visit the homes and schools insofar as the pastoral function requires it; to look out zealously for adolescents and children; to exercise paternal love for the poor and sick. Finally he is to have a special care for laborers and strive that the Christian faithful offer assistance in the works of the apostolate.

Canon 290 - §1. In all juridic affairs the pastor represents the person of the parish.

§2. Sacred functions of greater importance, such as the celebration of the sacraments of Christian initiation, the blessing of marriages, without prejudice to can. 302, §2, the ecclesiastical funeral rites, belong to the pastor; therefore, parochial vicars are not allowed to carry them out except by permission, at least presumed, of the pastor himself.

Canon 291 - All offerings except those treated in cann. 715-717 which are received on the occasion of performing the pastoral function by the pastor and other clergy attached to the parish are to be put into the parish account unless it is obvious that such would be contrary to the will of the donor in the case of voluntary offerings; the eparchial bishop is competent, after consulting the presbyteral council, to establish regulations which provide for the allocation of these offerings as well as those which provide for the remuneration of the pastor and other parish clergy according to the norm of can. 390.

Canon 292 - §1. The pastor is bound by the obligation of residing in the parish house near the parish church. However the local hierarch, for a just cause, can permit him to reside elsewhere so long as the parochial ministry suffers no harm from it.

§2. Unless there is a serious reason to the contrary, the pastor may be absent from the parish for a maximum of one continual or interrupted month per year for his vacation; the days which the pastor spends once a year in spiritual retreat are not counted as his vacation days; if the pastor wishes to be absent from the parish beyond a week he is bound to inform his own local hierarch of this.

§3. The eparchial bishop is to issue norms which provide for the care of the parish by a priest possessing the necessary powers and faculties during the absence of the pastor.

Canon 293 - The pastor is to remember to manifest in his daily contacts and solicitude to the baptized and non-baptized, Catholic and non-Catholic, a truly priestly and pastoral example of ministry and to give the proper witness of truth and life to all; and, as a good shepherd, to seek out those baptized in the Catholic Church who have absented themselves from the reception of the sacraments or even fallen away from the faith.

Canon 294 - The pastor is frequently to celebrate the Divine Liturgy for the people of the parish entrusted to him but is bound to celebrate it for them on the days prescribed by the particular law of his Church sui iuris.

Canon 295 - In the parish there are to be appropriate councils dealing with pastoral and economic matters, according to the norms of the particular law of its own Church sui iuris.

Canon 296 - §1. In the parish there are to be parish books, namely, baptismal, matrimonial, death and others, according to the norms of the particular law of its own Church sui iuris or, if there are no norms, of the eparchial bishop himself; the pastor is to see to it that these parish books are properly filled out and preserved observing said norms.

§2. In the baptismal register are also to be noted the enrollment of the baptized into a determined Church sui iuris according to the norm of can. 37, the administration of chrismation with holy myron as well as those things which pertain to the canonical status of the Christian faithful by reason of marriage, with due regard for can. 840, §3, adoption, and sacred orders or perpetual profession in a religious institute; these notations are always to be noted on the certificate of baptism.

§3. Certificates which are given about the canonical status of the Christian faithful and all the documents which can have juridical importance are to be signed by the pastor himself or his delegate and sealed with the parish seal.

§4. In the parish there is to be an archive in which the parish books are kept along with the hierarchial letters and other documents which ought to be preserved due to necessity or usefulness; all of these are to be inspected by the eparchial bishop or his delegate during his canonical visitation or at another suitable time; the pastor is to take care that they not come into the hands of outsiders.

§5. The older parish books are also to be preserved according to the norms of particular law.

Canon 297 - §1. The pastor ceases from office by resignation accepted by the eparchial bishop, expiration of term, removal or transfer.

§2. When a pastor has completed his seventy-fifth year of age he is asked to submit his resignation from office to the eparchial bishop, who, after considering all the circumstances of person and place, is to decide whether to accept or defer the resignation; the eparchial bishop, taking into account the norms of particular law of his own Church sui iuris, is to provide for the suitable support and housing of the resigned pastor.

Canon 298 - If the parish becomes vacant or the pastor is hindered by any cause from exercising the pastoral function in the parish, the eparchial bishop is to appoint as soon as possible another priest as parochial administrator.

Canon 299 - §1. The administrator of a parish has the same rights and obligations as the pastor unless the eparchial bishop determines otherwise.

§2. A parochial administrator is not permitted to do anything which can prejudice the rights of the pastor or harm parish goods.

§3. When he has fulfilled his office the parochial administrator is to render an account to the pastor.

Canon 300 - §1. When the parish is vacant and when the pastor is absolutely hindered from exercising his pastoral function, before the appointment of an administrator of the parish, the parochial vicar assumes the interim care of the parish; and, if there are several parochial vicars, the one senior in presbyteral ordination; and if there are no vicars, the nearest pastor; the eparchial bishop is to determine at an early date which parish is considered closer to which parish.

§2. The one who assumes the interim governance of a parish is immediately to inform the eparchial bishop.

Canon 301 - §1. One or several parochial vicars, who must be presbyters, can be associated with the pastor whenever it is necessary or suitable for fulfilling the proper pastoral care of the parish.

§2. A parochial vicar can be designated either for the whole parish or for a determined part of the parish.

§3. The eparchial bishop freely names a parochial vicar, having heard, unless he prudently judges otherwise, the pastor, or if it concerns a member of a religious institute or society of common life in the manner of religious, observing can. 284, §2.

Canon 302 - §1. The parochial vicars are to exercise the rights and obligations of the common and particular law as well as from the letters of the eparchial bishop and under the authority of the pastor; but, unless expressly determined otherwise and except for the obligation mentioned in can. 294, the parochial vicar must, in virtue of his office assist in the entire

parochial ministry and if circumstances warrant it, to substitute for the pastor.

§2. In virtue of his office, the parochial vicar does not have the faculty of blessing marriages; nevertheless, this faculty can also be conferred upon him even generally, by, besides the local hierarch, the pastor within the boundaries of the parish; if conferred upon him, the parochial vicar can also confer this faculty upon other priests for individual cases.

§3. The parochial vicar, as the cooperator of the pastor, provides daily a preeminent and active assistance in the pastoral function. Between the pastor and the parochial vicar there should always be a fraternal relationship, mutual love and reverence; they are to assist each other by consultation, help and example, studiously providing parochial care in harmonious and common will.

§4. The parochial vicar is bound by the obligation of residing in the parish according to the prescriptions of the eparchial bishop or lawful custom; the parochial vicar has the same rights to vacation as the pastor.

Canon 303 - The parochial vicar can be removed by the eparchial bishop for a just cause; however, if the parochial vicar is a member of a religious institute or society of common life in the manner of religious, can. 1391, §2 is to be observed.

Chapter IV. Rectors of Churches

Canon 304 - The rector of a church is a presbyter, to whom is given the care of some church which is neither parochial nor is connected with a house of an institute of consecrated life.

Canon 305 - §1. The rector of a church is named by the eparchial bishop without prejudice to the right of the major superior of a religious institute or society of common life in the manner of religious to propose a suitable priest of his institute for appointment.

§2. Even if the church belongs to some clerical institute of consecrated life of pontifical or patriarchal right, the eparchial bishop is competent to name the rector of a church proposed by the superior.

§3. If the church is connected with a seminary or other college which is governed by presbyters, the rector of the seminary or college is, at the same time, the rector of the church unless the eparchial bishop has determined otherwise.

Canon 306 - §1. In the church committed to him the rector of the church is not permitted to perform parochial functions unless the pastor consents or, if the matter warrants it, delegates the rector with due regard for can. 336, §2.

§2. The rector of the church can celebrate the Divine Liturgy and the divine praises there with due regard for the legitimate statutes of foundation and as long as, in the judgment of the local hierarch, they are in no way prejudicial to the parochial ministry.

Canon 307 - If he thinks it advisable, the local hierarch can order the rector of a church to celebrate specific sacred functions, even parochial ones, in the church committed to him, and to make the church available to certain groups of the Christian faithful.

Canon 308 - Without the permission, at least presumed, of the rector of the church or higher authority, no one is allowed to celebrate the Divine Liturgy

or the divine praises, administer the sacraments or perform other sacred functions in the church; but this permission must be given or denied according to the norms of the law.

Canon 309 - Under the authority of the local hierarch and with due regard for the legitimate statutes and acquired rights, the rector of the church must see that the Divine Liturgy, sacraments and divine praises are celebrated in the church according to the prescriptions of the liturgical books and law, that obligations are faithfully fulfilled, that its ecclesiastical goods are carefully administered, that the maintenance and the good appearance of sacred furnishings and buildings are provided for and that nothing whatever is done which is in any way out of harmony with the sanctity of the place and the reverence due to a house of God.

Canon 310 - The eparchial bishop can remove the rector of a church for a just cause. If the rector of the church is a member of a religious institute or society of common life in the manner of religious, can. 1391,

§2 is to be observed.

TITLE VIII. EXARCHIES AND EXARCHS

Canon 311 - §1. An exarchy is a portion of the people God which, because of special circumstances, is not erected as an eparchy, and which is established within territorial or other kinds of limits and is committed to an exarch.

§2. In the establishment, modification, suppression of an exarchy which is located within the territorial boundaries of a patriarchal Church, can. 85, §3 is to be observed. The establishment, modification and suppression of other exarchies belongs to the Apostolic See alone.

Canon 312 - The exarch governs the exarchy either in the name of the one who appointed him or in his own name; this must be determined in the establishment or modification of the exarchy.

Canon 313 - What is said in the law concerning eparchies or eparchial bishops applies also to exarchs or exarchies, unless otherwise expressly provided or otherwise evident from the nature of the matter.

Canon 314 - §1. Within the territorial boundaries of a patriarchal Church the exarch is appointed by the patriarch after consulting the permanent synod, without prejudice to cann. 181-188 if it concerns an exarch who is to be promoted to episcopal ordination. In other cases, the appointment of the exarch belongs to the Apostolic See alone.

§2. The exarch appointed by the patriarch cannot be removed from office except with the consent of the synod of bishops of the patriarchal Church.

§3. The exarch takes canonical possession of the exarchy committed to him by showing the decree of appointment to him who is governing the exarchy in the interim.

Canon 315 - §1. The exarch established outside the territorial boundaries of the patriarchal Church can petition from the patriarch suitable presbyters to undertake the spiritual care of the Christian faithful. The patriarch, insofar as he can do so, should fulfill the petition of the exarch.

§2. Presbyters sent into the exarchy by the patriarch, whether they are sent temporarily or permanently, are considered attached to the exarchy and must be subject in all things to the authority of the exarch.

Canon 316 - From decrees of the exarch who governs the exarchy in the name of the Roman Pontiff or the patriarch, recourse is made respectively to the Apostolic See or the patriarch. From decrees of the exarch who governs an exarchy in his own name, recourse is made according to the ordinary norms of the law.

Canon 317 - Exarchs are bound by the obligation of visiting the tombs of the blessed Apostles Peter and Paul according to the norm can. 208, except exarchs who govern an exarchy entrusted to them in the name of the patriarch.

Canon 318 - §1. Exarchs appointed by the patriarch must, every five years, send a written report to the patriarch about the spiritual and temporal state of the exarchy.

§2. An exarch appointed by the Roman Pontiff must present the same report to the Apostolic See every five years and if he belongs to a patriarchal Church, must also send a copy of the report to the patriarch as soon as possible.

Canon 319 - §1. Exarchs are bound by the law concerning the eparchial assembly, the eparchial curia, the presbyteral council, the college of eparchial consultors and the pastoral council, equitably adjusted by reason of places and persons in the judgment of the authority who established or modified the exarchy.

§2. If the college of consultors cannot be constituted according to the norm of can. 271, §3, the exarch is to constitute a council of not less than three members, from the more prudent presbyters, chosen from among the members of the presbyteral council insofar as possible and if it exists, whose consent or advice he must seek as often as the law states that the eparchial bishop needs the consent or advice of the college of eparchial consultors in order to act.

Canon 320 - §1. When the exarchy is vacant or impeded, the government transfers to the protosyncellus or, when there is none, to the pastor senior by presbyteral ordination.

§2. He who comes into the interim governance of the exarchy must as soon as possible inform the authority whose right it is to appoint the exarch so that he can fill the vacancy. Meanwhile he can use all the powers and faculties, whether ordinary or delegated which the exarch had, unless they were committed to the exarch for his personal qualifications.

Canon 321 - §1. During the time he is in office, an exarch who is not an ordained bishop has the privileges and insignia of the first dignity after the episcopal dignity.

§2. Particular law is to be followed in determining whether he retains the privileges and insignia after he has carried out his function.

TITLE IX. ASSEMBLIES OF HIERARCHS OF SEVERAL CHURCHES SUI IURIS

Canon 322 - §1. When it seems opportune in the judgment of the Apostolic See, patriarchs, metropolitans of metropolitan Churches sui iuris, eparchial bishops, and, if the statutes so establish, other local hierarchs of various Churches sui iuris, even the Latin, exercising their authority in the same nation or region, are to be assembled at stated times for periodic assemblies by the patriarch or another authority designated by the Apostolic See in order that communicating the insights of prudence and experience, taking counsel together, the hierarchs work in accord as much as possible for the common good of the Churches, through which unity of action is fostered, common endeavors are facilitated, the good of religion is expeditiously promoted and ecclesiastical discipline is efficaciously preserved.

§2. The decisions of this assembly do not have juridically binding force unless they deal with things which in no way can be prejudicial to the rite of each and every Church sui iuris or to the authority of the patriarchs, synods, metropolitans and councils of hierarchs, and at the same time are passed by at least two-thirds of those members enjoying deliberative vote as well as approved by the Apostolic See.

§3. A decision, even if passed by unanimous vote, which in any way whatever exceeds the competence of the assembly lacks all force until it has been approved by the Roman Pontiff himself.

§4. Each and every assembly of hierarchs of several Churches sui iuris is to draw up its own statutes in which is fostered, insofar as possible, even participation of hierarchs of Churches which are not yet in full communion with the Catholic Church. The statutes, to be valid, must be approved by the Apostolic See.

TITLE X. CLERICS

Canon 323 - §1. Clerics, who are also called sacred ministers, are Christian faithful who, chosen by the competent ecclesiastical authority, are deputed through a gift of the Holy Spirit received in sacred ordination to be ministers of the Church participating in the mission and power of Christ, the Pastor.

§2. In virtue of sacred ordination clerics are distinguished from the other Christian faithful by divine institution.

Canon 324 - Clerics joined among themselves by hierarchical communion and constituted in various degrees participate in diverse ways in the one ecclesiastical ministry of divine origin.

Canon 325 - In virtue of sacred ordination clerics are distinguished as bishops, presbyters and deacons.

Canon 326 - Clerics are constituted into the degrees of orders by sacred ordination itself; but they cannot exercise that power except according to the norm of the law.

Canon 327 - If besides bishops, presbyters or deacons, other ministers, constituted in minor orders, generally called minor clerics, are admitted or instituted for the service of the people of God or to exercise the functions of the sacred liturgy, they are governed only by the particular law of their own Church sui iuris.

Chapter I. The Formation of Clerics

Canon 328 - It is the proper right and obligation of the Church to train clerics and her other ministers; this obligation is particularly and more diligently fulfilled through the erection and governing of seminaries.

Canon 329 - §1. The task of fostering vocations especially to the sacred ministries belongs to the whole Christian community, which, as its shared responsibility, must be solicitous for the needs of ministry of the whole Church:

1° parents, teachers and other first educators of the Christian life are to take care that families and schools are so animated by the evangelical spirit that boys and young people called by the Lord through the Holy Spirit can freely hear and willingly respond to Him;

2° clerics, especially pastors, are to take pains to discern and foster vocations both in young people and even in others of a more advanced age;

3° the eparchial bishop especially, joining forces with other hierarchs, is to stir up his flock in promoting vocations and to coordinate their endeavors.

§2. Particular law is to provide that either regional or, insofar as is possible, eparchial projects for promoting vocations are instituted in all Churches, these ought to be open to the needs of the universal Church, especially missionary needs.

Canon 330 - §1. It is proper for the synod of bishops of the patriarchal Church or council of hierarchs to set up a program for the training of clerics, in which the common law is more precisely set forth for seminaries located within the territorial boundaries of its own Church. In other cases it is proper to the eparchial bishop to develop this type of program for his own eparchy, without prejudice to can. 150, §3. It is also proper to the same authorities to change the program.

§2. There can also be a program of formation, set up by mutual agreement, common to an entire region or nation or even with other Churches sui iuris

being careful that the character of the rites suffer no harm.

§3. Faithfully observing common law and keeping in mind the tradition of its own Church sui iuris, the program of formation of clerics is to include, in addition to other things, more specific norms about the personal, spiritual, doctrinal and pastoral formation of students as well as about individual disciplines to be taught and the ordering of courses and of examinations.

Art. I. The Erection and Governance of Seminaries

Canon 331 - §1. In the minor seminary, in the first place those who seem to show signs of a vocation to the sacred ministry are to be instructed so that they can more easily and clearly discern it themselves and refine it by a dedicated spirit; according to the norm of particular law, others also can be instructed who, even though they do not seem to be called to the clerical state, can be formed to fulfill certain ministries or apostolic works. Other institutes which, according to their statutes, serve the same purposes, even if they differ in name, are equivalent to a minor seminary.

§2. In the major seminary, the vocation of those who are already considered suitable by certain signs for steadfastly undertaking the sacred ministries is more fully cultivated, proven and confirmed.

Canon 332 - §1. A minor seminary may be erected in any eparchy if the good of the Church demands it and the personnel and financial resources permit it.

§2. A major seminary is to be established which serves either one very large eparchy or, if not a whole Church sui iuris, at least, by mutual agreement, several eparchies of the same Church sui iuris, and even of diverse Churches sui iuris which have an eparchy in the same region or nation so that, whether by the suitable number of students or the number of properly experienced moderators and teachers, as well as by sufficient material resources, and the best combined efforts, instruction is provided for which nothing is left wanting.

Canon 333 - Even if it is preferred that a seminary, especially minor seminaries, be reserved to students of one Church sui iuris, on account of special circumstances students of another Church sui iuris can be admitted into the same seminary.

Canon 334 - §1. A seminary is erected by the eparchial bishop for his own eparchy or in common for several eparchies by the eparchial bishops of those same eparchies or by higher authority, however with the consent of the council of hierarchs if that higher authority is of a metropolitan Church sui iuris or with the consent of the synod of bishops of the patriarchal Church if it is a patriarchal Church.

§2. Eparchial bishops, for whose subjects a common seminary has been erected, cannot validly erect another seminary without the consent of the authority which erected the common seminary, or, if it concerns a seminary erected by the eparchial bishops themselves, without the unanimous consent of the bishops who agreed or without the consent of their higher authority.

Canon 335 - §1. A seminary legitimately erected is a juridic person by the law itself.

§2. The rector of the seminary represents it in the handling of all matters unless particular law or the statutes of the seminary have determined otherwise.

Canon 336 - §1. A seminary common to several eparchies is subject to the hierarch designated by those who erected the seminary.

§2. The seminary is to be exempt from parochial governance; the rector of the seminary or his delegate is to fulfill the office of pastor for all who are in the seminary, with the exception of matrimonial matters and with due regard for the prescription of can. 734.

Canon 337 - §1. A seminary is to have its own statutes in which are determined first of all the special purpose and competence of its authorities. Furthermore, they are to establish the manner of appointment or election, term in office, rights and obligations and just remuneration of the moderators, officials, teachers and counselors as well as plans by which

they and the students participate in the concerns of the rector especially in the observance of discipline of the seminary.

§2. The seminary is also to have its own directory in which the norm of the program of formation of clerics, accommodated to special circumstances, is put into effect and in which are more fully determined the areas of discipline which, without prejudice to the statutes, treat the formation of students as well as of daily life and the ordering of the whole seminary.

§3. The statutes of the seminary need the approval of the authority which erected the seminary and who is competent also, if the situation warrants, to modify them; with regard to the directory, this approval belongs to the authority determined in the statutes.

Canon 338 - §1. In each and every seminary there is to be a rector and, if the situations warrants, a finance officer and other moderators and officials.

§2. The rector is to see to the general supervision of the seminary according to the norm of the statutes, to urge that the statutes and directory of the seminary be observed by all, to coordinate the work of the other moderators and officials and to foster unity and collaboration in the whole seminary.

Canon 339 - §1. There is also to be at least one spiritual father, distinct from the rector; the students can also freely request as a spiritual father another presbyter approved by the rector for their spiritual director.

§2. Besides the ordinary confessors, other confessors are to be designated or invited, keeping intact the right of the students to petition for any confessor whomsoever, even from outside the seminary, without prejudice to the discipline of the seminary.

§3. In making judgments about persons it is not permitted to ask for the opinion of confessors or spiritual fathers.

Canon 340 - §1. If a curriculum is set up in the seminary itself there are to be on hand a suitable number of teachers properly selected and truly expert in their own science and, in major seminaries, possessing suitable academic degrees.

§2. The teachers ought to confer regularly, day after day, having conducted proper preparation, and harmoniously cooperating among themselves and with the moderators of the seminary for an integrated formation of the future ministers of the Church, aimed at a unity of faith and formation among the varieties of disciplines.

§3. Teachers of the sacred sciences, having followed the footsteps of the holy fathers and doctors highly praised by the Church, especially of the East, are to strive to illustrate doctrine from the eminent treasury handed down by them.

Canon 341 - §1. The authority which erected the seminary is to take care that the expenses of the seminary are met even by the assessments or collections treated in cann. 1012 and 1014.

§2. Even religious houses are subject to the assessments for the seminary unless these houses are supported by donations or actually have a place of studies in them as treated in cann. 471, §2 and 536, §2.

Art. II. Formation for Ministry

Canon 342 - §1. Only those students are to be admitted into the seminary who, according to the norm of the statutes, are proven from documents to possess the required abilities.

§2. No one is to be accepted unless it is shown with certainty that he has received the sacraments of baptism and chrismation with holy myron.

§3. Those who were students in another seminary or in a religious institute or society of common life in the manner of religious are not to be admitted before obtaining the testimony of the rector or the superior, especially concerning the reason for dismissal or departure.

Canon 343 - Students, even if admitted into a seminary of another Church sui iuris, or into a common seminary for several Churches sui iuris, are to be formed in their own rite. Any custom to the contrary is reprobated.

Canon 344 - §1. Adolescents and young people living in a minor seminary are to have appropriate relationships with their families and peers, which

they need for sound psychological, particularly emotional, development; however they are carefully to avoid all things which, according to sound psychological and pedagogical norms, can diminish in any way the free choice of a state of life.

§2. Assisted by suitable spiritual direction students are to be trained in making personal and responsible decisions in the light of the Gospel and for the continual refinement of their various natural abilities, not omitting any appropriate virtues of human nature.

§3. The curriculum of a minor seminary is to consist of those things required in each nation for beginning higher studies, and, insofar as the plan of studies permits, also those which are especially necessary or useful for undertaking the sacred ministry; care is generally to be taken that students obtain a civil diploma, and that their studies can be pursued, even somewhere else, if they so choose.

§4. Students more advanced in age are to be instructed either in a seminary or a special institute, having taken into account any earlier formation.

Canon 345 - The formation of students is to be completed in the major seminary, supplementing those things which, perhaps, in individual cases, were lacking in their formation in the minor seminary, by integrating the spiritual, intellectual and pastoral formation so that they may be effective ministers of Christ in the midst of the Church, a light and the salt for the world of this age.

Canon 346 - §1. Those aspiring to the sacred ministry are to be formed so that in the Holy Spirit, as a familiar companion, they might dwell with Christ and to seek God in all things, so that, impelled by the love of Christ, the Pastor, by the gift of their lives, they become solicitous to gain all people for the kingdom of God.

§2. They ought to draw daily from the word of God and especially from the sacraments, to receive the power for their spiritual lives and strength for apostolic labor: 1° alert to the word of God, in constant meditation, and according to the example of the fathers of the faith, students are to train for a life more configured to the life of Christ, and, strengthened in faith, hope

and charity, to strive to live according to the pattern given in the Gospel; 2° they are to participate assiduously in the Divine Liturgy, which shines forth as the font and culmination of seminary life as it is of the whole of the Christian life;

3° they ought to learn to celebrate continually the divine praises according to their own rite and to nourish their spiritual life from them;

4° they ought to learn especially by means of spiritual direction to open rightly their consciences and receive the sacrament of penance frequently;

5° they ought to pursue a filial piety to Holy Mary ever Virgin, Mother of God, whom Christ established as mother of all people;

6° they ought also to foster exercises of piety which are conducive to a spirit of prayer and to the strength and defense of an apostolic vocation, especially by those things which are commended by the venerable tradition of their own Church sui iuris; further, spiritual retreat, instruction concerning the sacred ministries and exhortations in the way of the spirit are recommended;

7° students are to be educated according to the mind of the Church and its service as well as to the virtue of obedience and mutual cooperation with their brothers; 8° they are to be helped also with those other virtues, which especially apply to their vocation, such as discretion of spirit, chastity, fortitude of the soul; they are also to esteem and cultivate those virtues which are found among most of humanity and enhance the ministry of Christ, among which are sincerity of heart, diligent concern for justice, the spirit of poverty, fidelity to promises, courtesy in acting, speaking modestly joined with charity.

§3. The disciplinary norms of the seminary are to be applied according to the maturity of the students so that, while they learn more to discipline themselves by degrees, they may be trained to use freedom wisely and to act unaided and diligently.

Canon 347 - Doctrinal instruction should be directed so that the students, understanding the general culture of the place and time and investigating

the undertakings and accomplishments of the human spirit, may acquire broad and solid instruction in the sacred sciences, so that educated with a fuller understanding of the faith and strengthened in the light of Christ the teacher, they may be able more effectively to illuminate the people of their time and to serve truth.

Canon 348 - §1. For those who are destined for the priesthood, the studies of the major seminary, without prejudice to can. 345, are to be comprised of philosophical and theological courses, which can be followed either successively or conjointly. These same studies are to encompass at least six complete years in such a way that two full years are devoted to the philosophical disciplines and four full years to theological studies.

§2. They ought to start the philosophical-theological course with an introduction into the mystery of Christ and the economy of salvation, and they shall not finish until there has been shown, taking into consideration the order or hierarchy of the truths of Catholic doctrine, the relationship between all the disciplines and their coherent arrangement.

Canon 349 - §1. Philosophical instruction should be taught so that it accomplishes a formation in the human sciences; therefore, having taken into account the wisdom both of the ancient and the recent age, of the whole human family and especially of their own culture, the perennially valid philosophical patrimony is to be sought.

§2. Both historical and systematic courses are to be taught so that students can easily discern truth and falsehood with a sharp intellectual discretion, can properly pursue theological investigations with a mind open to the word of God, and be made more suitable for carrying out the ministry by a dialogue with the learned people of this age.

Canon 350 - §1. Theological disciplines are to be so taught in the light of faith in such a way that students deeply penetrate Catholic doctrine drawn from divine revelation and express it in their own culture so that it may be nourishment for their own spiritual life and an instrument for usefully carrying out effective ministry.

§2. It is necessary that Sacred Scripture be as the soul of all of theology, and must influence all sacred disciplines; therefore in addition to exegesis, an accurate methodology, the principal sources of the economy of salvation as well as the greater themes of biblical theology are to be taught.

§3. Liturgy is to be taught in virtue of its special importance as a necessary source of doctrine and of a truly Christian spirit.

§4. As long as the unity which Christ wished for His Church has not been fully brought into reality, ecumenism is to be one of the necessary considerations of each and every theological discipline.

Canon 351 - Teachers of the sacred sciences, since they teach with a mandate from ecclesiastical authority, are faithfully to teach the doctrine proposed by it, and are to submit (obsequor) humbly in all things to the constant magisterium and supervision of the Church.

Canon 352 - §1. The pastoral formation is to be adapted according to the conditions of place and time and to the aptitude of the students whether celibate or married and to the needs of the ministry for which they are preparing themselves.

§2. Students are to be instructed especially in the catechetical and homiletic arts, liturgical celebration, parish administration, dialogue of evangelization with non-believers or non-Christians, or with the less fervent Christian faithful, the social apostolate and the instruments of social communication, not neglecting auxiliary disciplines such as psychology and pastoral sociology.

§3. Although students are preparing themselves for the ministry in their own Church sui iuris, they are to be formed in a truly universal spirit by which they are prepared in spirit to respond in the service of souls everywhere in the world. Therefore they are to be thoroughly instructed about the needs of the universal Church, and especially about the apostolate of ecumenism and evangelization.

Canon 353 - According to the norm of particular law, there are to be exercises and tests strengthening pastoral formation, in such areas as social

or charitable service, catechetical instruction, but especially in the pastoral internship during philosophical-theological formation, and in the diaconal internship before ordination to the presbyterate.

Canon 354 - The formation of deacons not destined for the priesthood is to be appropriately adapted from the norms given above so that the curriculum of studies extends at least three years keeping in mind the traditions of their own Church sui iuris concerning the service of the liturgy, the word and charity.

Canon 355 - Candidates for ordination are to be properly taught the obligations of clerics and led to undertake and fulfill them magnanimously.

Canon 356 - §1. The rector is to send a report on the formation of the students each year to the eparchial bishop or, if the situation is such, to the major superior; but concerning the status of the seminary, to those who established it.

§2. The eparchial bishop or major superior is to visit the seminary frequently for consultation concerning the formation of his students especially if there is a question concerning those to be promoted to sacred orders.

Chapter II. The Ascription of Clerics to an Eparchy

Canon 357 - §1. Every cleric is to be enrolled as a cleric either in some eparchy or exarchy or religious institute or society of common life in the manner of religious or, also, in institutes or in associations which have obtained from the Apostolic See the right to enroll clerics in themselves or, within the territorial boundaries of the Church over which he presides, from the patriarch with the consent of the permanent synod.

§2. What is established concerning the enrollment of clerics in some eparchy and dismissal from it is also applicable with the appropriate modification to those juridic persons mentioned above as well as, if the particular law so states, to the patriarchal Church itself, unless the law has expressly stated otherwise.

Canon 358 - Through diaconal ordination a man is enrolled as a cleric in the eparchy for whose service he is ordained unless, according to the norm of the particular law of his own Church sui iuris, he has already been enrolled in the same eparchy.

Canon 359 - In order that a cleric already enrolled in some eparchy to be validly transferred in another eparchy he must obtain from his eparchial bishop letters of dismissal signed by that same bishop and at the same time must obtain letters of enrollment signed by the eparchial bishop of the eparchy in which he wishes to be enrolled.

Canon 360 - §1. Through a written agreement between both eparchial bishops in which the rights and obligations of the cleric or bishops are established, a cleric can move into another eparchy for a determined period of time, even renewed many times, but he retains his original enrollment.

§2. With the passage of five years after the legitimate move the cleric is by the law itself enrolled in the host eparchy if he has made such a desire known in writing to both eparchial bishops and neither bishop expresses opposition in writing within four months.

Canon 361 - A cleric, mostly for the evangelization of the whole Church, is not to be denied a transfer in enrollment or a move to another eparchy laboring under a severe lack of clergy, so long as he is prepared and suitable for carrying out the ministry there, unless there is a true need in his own eparchy or Church sui iuris.

Canon 362 - §1. For a just reason a cleric can be recalled from the other eparchy by his own eparchial bishop or returned by the hosting eparchial bishop observing the agreements made as well as equity.

§2. One legitimately returning to his own eparchy from another does so without prejudice to and having preserved all of the rights which he would have had if he had exercised the sacred ministry there.

Canon 363 - The following cannot validly enroll a cleric in an eparchy, dismiss him from it, or grant permission to the cleric to move outside of it:

1° the administrator of the patriarchal Church, without the consent of the permanent synod; the patriarchal exarch and the administrator of an eparchy without the consent of the patriarch; 2° in other cases, the administrator of an eparchy, unless the eparchial see has been vacant for a year, and then only with the consent of the college of eparchial consultors.

Canon 364 - The enrollment of a cleric in some eparchy does not cease except by valid enrollment in another eparchy or by loss of the clerical state.

Canon 365 - §1. For licit transfer in or move to another eparchy just causes such as the advantage of the Church or the good of the cleric himself are required. Permission is not to be denied except for serious reasons.

§2. If the particular law of the Church sui iuris so prescribes, it is also required for the licit transfer to an eparchy of another Church sui iuris that the eparchial bishop releasing the cleric obtain the consent of the authority determined by the same particular law.

Canon 366 - §1. The eparchial bishop is not to enroll an alien cleric to his eparchy unless: 1° the needs or advantage of the eparchy require it;

2° he is convinced that the cleric has the aptitude to carry out the ministry, especially if the cleric is coming from another Church sui iuris;

3° he is convinced by a legitimate document that the cleric has obtained legitimate dismissal from his eparchy; and he has obtained from the dismissing eparchial bishop, secretly if appropriate, suitable testimonials concerning the background and morals of the cleric; 4° the cleric has declared in writing that he is devoting himself to service of the new eparchy according to the norm of the law.

§2. The eparchial bishop is to inform the previous eparchial bishop about the completed enrollment of the cleric into his eparchy as soon as possible.

Chapter III. The Rights and Obligations of Clerics

Canon 367 - Clerics have, as their first obligation, to announce the Kingdom of God to all and to make manifest the love of God towards all humanity in the ministry of the Word and sacraments and even in their whole lives, so that all, loving one another and above all things loving God, may be built up and increase in the Body of Christ which is the Church.

Canon 368 - Clerics are bound in a special manner to the perfection which Christ proposed to his disciples, since they are consecrated to God in a new way by sacred ordination, so that they may become more suitable instruments of Christ, the eternal priest, in the service of the people of God, and at the same time that they be exemplary models to the flock.

Canon 369 - §1. The daily reading and meditation of the Word of God is incumbent upon clerics so that as faithful and truly attentive hearers of the Christ, they may become true ministers of preaching; they are to be unremitting in prayer, in liturgical celebrations and especially in devotions toward the mystery of the Eucharist. They are to daily examine their consciences and frequently receive the sacrament of penance.

They are to honor St. Mary, the ever Virgin Mother of God, and implore from her the grace of conforming themselves to her Son; they are to carry out the other pious exercises of their own Church sui iuris.

§2. They are to attach great importance to spiritual direction and to take time for spiritual retreats at the times established according to the prescriptions of the particular law.

Canon 370 - Clerics are bound by a special obligation to show reverence and obedience to the Roman Pontiff, the patriarch and the eparchial bishop.

Canon 371 - §1. Having fulfilled the requirements of law, clerics have the right to obtain from their eparchial bishop an office, ministry or function to be exercised in the service of the Church.

§2. Clerics are to accept and faithfully carry out every office, ministry, or function committed to them by the competent authority whenever, in the judgment of this same authority, the needs of the Church require it.

§3. However in order that they may exercise a civil profession the permission of their own proper hierarch is required.

Canon 372 - §1. After completing the formation which is required for sacred orders clerics are not to stop devoting attention to the sacred sciences. Indeed they are to take measures to acquire a more profound and timely knowledge and use of them through formative courses approved by their own hierarch.

§2. They are to attend conferences which the hierarch has judged suitable for promoting the sacred sciences and pastoral matters.

§3. Also, they are not to neglect to acquire for themselves as much knowledge of profane sciences, especially those sciences connected more intimately with the sacred sciences, such as those which cultured people ought to have.

Canon 373 - Clerical celibacy chosen for the sake of the kingdom of heaven and suited to the priesthood is to be greatly esteemed everywhere, as supported by the tradition of the whole Church; likewise, the hallowed practice of married clerics in the primitive Church and in the tradition of the Eastern Churches throughout the ages is to be held in honor.

Canon 374 - Clerics, celibate or married, are to excel in the virtue of chastity; it is for the particular law to establish suitable means for pursuing this end.

Canon 375 - In leading family life and in educating children married clergy are to show an outstanding example to other Christian faithful.

Canon 376 - The praiseworthy common life among the celibate clergy is to be fostered, insofar as possible, so that they may be mutually helped in cultivating the spiritual and intellectual life and may be able to cooperate more fittingly in the ministry.

Canon 377 - All clerics must celebrate the divine praises according to the particular law of their own Church sui iuris.

Canon 378 - According to the norm of the particular law clerics are to celebrate the Divine Liturgy frequently, especially on Sundays and holy days of obligation; indeed daily celebration is eagerly encouraged.

Canon 379 - Clerics of whatever Church sui iuris linked as brothers in the bond of charity to attain the unity of all, work together for the building up of the body of Christ and consequently whatever their condition, are to cooperate among themselves and help one another, even performing diverse functions.

Canon 380 - All clerics are to have a concern for vocations to the sacred ministry and to the life in institutes of consecrated life, promoting them not only by preaching, catechesis and other suitable means, but especially by the witness of life and ministry.

Canon 381 - §1. Clerics are to be ardent in apostolic zeal, an example to all in works of charity and hospitality especially towards the sick, the afflicted, the persecuted, the exiled and refugees.

§2. Unless constrained by a just impediment, clerics are bound by the obligation to provide assistance to the Christian faithful out of the spiritual goods of the Church, especially the word of God and the sacraments, when they ask for them at appropriate times, are properly disposed, and are not prohibited by law from receiving them.

§3. Clerics are to recognize and promote the dignity of the laity and the particular part which they have in the mission of the Church, especially by testing the multiform gifts of the laity, and also by channelling the

experience of these lay people for the good of the Church especially in ways provided by the law.

Canon 382 - Clerics are to abstain completely from all those things unbecoming to their state, according to the norms determined in detail by particular law, and also to avoid those things which are alien to it.

Canon 383 - Even though it is fitting that clerics have the same civil and political rights as other citizens, nevertheless:

1° they are forbidden to assume public offices which entail a participation in the exercise of civil power; 2° since military service is less appropriate for those in the clerical state, clerics are not to take it up voluntarily except by permission of their hierarch;

3° they are to make use of exemption from exercising public functions and offices alien to the clerical state as well as military service granted in their favor by civil laws, agreements or customs.

Canon 384 - §1. As ministers of reconciliation of all in the love of Christ, clerics are to take measures to foster among all people peace, unity and harmony based on justice.

§2. Clerics are not to have an active part in political parties nor in the supervision of labor unions unless, in the judgment of the eparchial bishop or, if particular law so states, of the patriarch or of another authority, the need to protect the rights of the Church or to promote the common good requires it.

Canon 385 - §1. Imbued with Christ's spirit of poverty, clerics are to strive to lead a simple life and thus to be witnesses to the heavenly goods before the world; using spiritual discretion let them designate their temporal goods to correct use; and from the goods they acquire on the occasion of the exercise of an ecclesiastical office, ministry, or function, let them first provide for their own suitable sustenance and for the fulfillment of their obligations and then devote and share the rest in works of the apostolate or of charity.

§2. Clerics are forbidden to exercise by themselves or through another any business or trade whether for their own benefit or for that of another, except with permission of the authority defined by particular law or by the Apostolic See.

§3. A cleric is forbidden to post bond, even from his own goods, unless he has consulted his own eparchial bishop or, as the case may be, the major superior.

Canon 386 - §1. Clerics, even if they do not have a residential office, nevertheless are not to leave their eparchy for a notable period of time determined by particular law without the permission, at least presumed, of their local hierarch.

§2. A cleric who is residing outside his own eparchy is subject to the eparchial bishop in those matters which regard the obligations of his state of life. If he will reside there for a lengthy time, he is to inform the local hierarch without delay.

Canon 387 - Particular law is to be observed in regard to the attire of clerics.

Canon 388 - Clerics to whom have been granted rights and insignia, which are connected to dignities conferred upon them cannot use them outside the place where the authority who granted the dignity exercises his authority or upon the granting of the same dignity written consent was given to use them with no exception, or unless they accompany the authority who had granted the dignity or represent him or have obtained the consent of the local hierarch.

Canon 389 - Clerics are to strive to avoid any controversies whatever; if however controversies arise among them, they are to be referred to the forum of the Church and this should also be done, if possible, even in the case of controversies between clerics and other Christian faithful.

Canon 390 - §1. Clerics have the right to a suitable sustenance and to receive a just remuneration for carrying out the office or function committed to them; in the case of married clerics, the sustenance of their

families, unless this has been otherwise sufficiently provided, is to be taken into account.

§2. They also have the right that there be provided for themselves as well as for their families, if they are married, suitable pension funds, social security as well as health benefits. So that this right can be effectively put into practice clerics are bound by an obligation on their part to contribute to the fund spoken of in can. 1021, §2 according to the norm of the particular law.

Canon 391 - Clerics are free, without prejudice to can. 578, §3, to associate with others for the purpose of pursuing ends suitable to the clerical state. However, it belongs to the eparchial bishop to judge authentically concerning this suitability.

Canon 392 - Clerics have a right to annual vacations as determined by the particular law.

Canon 393 - Clerics, whatever their condition, are to care in their heart for all of the Churches, and therefore to serve her wherever there is great necessity; let them show willingness, especially with the permission or encouragement of their own eparchial bishop or superior, to exercise their ministry in the missions or in regions laboring under a shortage of clergy.

Chapter IV. The Loss of the Clerical State

Canon 394 - After it has been validly received, sacred ordination never becomes invalid. A cleric, however, loses the clerical state:

1° by a judicial sentence or administrative decree which declares the invalidity of sacred ordination; 2° by the legitimate infliction of the penalty of dismissal;

3° by a rescript of the Apostolic See or in accordance with the norm of can. 397, of the patriarch; this rescript cannot be granted licitly by the patriarch and is not granted by the Apostolic See to deacons without serious cause nor to presbyters without most serious cause.

Canon 395 - A cleric who loses the clerical state according to the norm of the law, loses with it the rights proper to the clerical state nor is he further bound by the obligations of the clerical state without prejudice, however, to can. 396; he is forbidden to exercise the power of order without prejudice to cann. 725 and 735, §2; he is by the law itself deprived of all offices, ministries, functions and any delegated power.

Canon 396 - Except for the case in which the invalidity of sacred ordination has been declared, loss of the clerical state does not carry with it a dispensation from the obligation of celibacy, which is granted only by the Roman Pontiff.

Canon 397 - The patriarch, with the consent of the synod of bishops of the patriarchal Church or, if there is danger in delay, of the permanent synod, can grant the removal of the clerical state to clerics having domicile or quasi-domicile within the territorial boundaries of his own patriarchal Church and who are not bound by the obligation of clerical celibacy or, if bound, are not petitioning a dispensation from this obligation; in other cases the matter is to be deferred to the Apostolic See.

Canon 398 - One who has lost the clerical state by rescript of the Apostolic See can be readmitted among the clerics solely by the Apostolic See; but

one who obtained removal from the clerical state from the patriarch can be readmitted among the clerics also by the patriarch.

TITLE XI. LAY PERSONS

Canon 399 - In this Code, the name of lay persons is applied to the Christian faithful whose proper and special state is secular and who, living in the world, participate in the mission of the Church, and are not in holy orders nor enrolled in the religious state. Lay Persons Canon 400 - In addition to those obligations and rights which are common to all the Christian faithful and those which are determined in other canons, the lay Christian faithful have the obligations and possess the rights which are enumerated in the canons of this title. Lay Persons Canon 401 - It is above all the proper vocation of lay persons to carry out and to arrange temporal affairs according to God's plan, to seek the kingdom of God and thus in their private, family, and politico-social lives to be witnesses for Christ and to manifest Him to others; also, shining in faith, hope and charity, to strive for just laws in society, and to be like leaven for the sanctification of the world. Lay Persons Canon 402 - Lay Christian faithful have the right to have recognized that freedom in the affairs of the earthly city which belongs to all citizens; when they exercise such freedom, however, they are to take care that their actions are imbued with the spirit of the gospel and take into account the doctrine set forth by the magisterium of the Church; but they are to avoid proposing their own opinion as the teaching of the Church in questions which are open to various opinions. Lay Persons Canon 403 - §1. With due regard for the right and obligation to preserve everywhere their own rite, lay persons have the right to participate actively in the liturgical celebrations of any Church sui iuris whatsoever, according to the norms of the liturgical books.

§2. If the necessity of the Church and genuine advantage so recommend, and when sacred ministers are lacking, certain functions of the sacred ministers may be committed to lay persons, according to the norms of law. Lay Persons

Canon 404 - §1. In addition to catechetical instruction, which should be received from infancy, lay persons have the right and obligation of acquiring a knowledge, suitable to their capacity and condition, of the doctrine revealed by Christ and taught by the authentic magisterium of the

Church, so that they may be able not only to live according to that doctrine, but also to announce it, and, if need be, to defend it.

§2. Lay persons also possess the right to acquire that deeper knowledge of the sacred sciences which are taught in ecclesiastical universities or faculties or in institutes of religious science by attending classes and obtaining academic degrees.

§3. Likewise, the prescriptions as to the required suitability having been observed, lay persons are qualified to receive a mandate to teach the sacred sciences from competent ecclesiastical authority. Lay Persons

Canon 405 - Lay persons should study zealously their liturgical, spiritual, theological and disciplinary patrimony, so that mutual goodwill, esteem and unity of action between the lay members of different Churches sui iuris is fostered, and so that the variety of rites does not harm the common good of the society in which they live, but rather may daily lead more to the same good. Lay Persons Canon 406 - Lay persons, aware of the obligation set forth in can. 14, should know that this obligation has a greater impelling force in those circumstances in which people can hear the Gospel and know Christ only through them. Lay Persons

Canon 407 - Lay persons who live in the married state in accordance with their own vocation are bound by a special duty to work for the building up of the people of God through their marriage and their family.

Lay Persons

Canon 408 - §1. Lay persons who excel in the necessary knowledge, experience and integrity, should be heard as experts or consultors by ecclesiastical authorities, whether individually or as members of various councils and assemblies, whether parochial, eparchial or patriarchal.

§2. Besides those ecclesiastical functions to which lay persons are by common law admitted, they may be also admitted by a competent authority to other functions, excepting those which require holy orders or which are expressly forbidden to lay persons by the particular law of their own Church.

§3. Lay persons are fully subject to ecclesiastical authority in respect to the exercise of ecclesiastical functions. Lay Persons

Canon 409 - §1. Lay persons who devote themselves permanently or temporarily to some special service of the Church are obliged to acquire the appropriate formation which is required to fulfill their function properly and to carry it out conscientiously, zealously, and diligently.

§2. They have a right to a decent remuneration suited to their condition; by such remuneration they should be able to provide decently for their own needs and for those of their family with due regard for the prescriptions of civil law; they likewise have a right that their own and their family's pension, social security and health benefits be duly provided.

TITLE XII. MONKS AND OTHER RELIGIOUS AS WELL AS MEMBERS OF OTHER INSTITUTES OF CONSECRATED LIFE

Chapter I. Monks and Other Religious

Art. I. General Canons

Canon 410 - The religious state is a stable mode of common life in an institute approved by the Church, in which the Christian faithful, by closer following Christ, the teacher and exemplar of holiness, under the action of the Holy Spirit, totally dedicate themselves by a new and special title through public vows of obedience, chastity and poverty, observed according to the norms of the statutes under a lawful superior, they renounce the world and totally dedicate themselves to the acquisition of perfect charity in service to the Kingdom of God for the building up of the Church and the salvation of the world as a sign of the foretelling of heavenly glory.

Canon 411 - The religious state shall be encouraged and promoted by all.

1° Dependence of Religious on the Eparchial Bishop, the Patriarch and the Apostolic See

Canon 412 - §1. All religious are subject to the Roman Pontiff as their supreme superior, being bound by the obligation to obey him also in virtue of the vow of obedience.

§2. In order to provide better for the welfare of institutes and for the needs of the apostolate, the Roman Pontiff can by reason of his primacy over the universal Church, contemplating the common welfare, exempt institutes of consecrated life from the rule of the eparchial bishop and subject them to him alone or to another ecclesiastical authority.

Canon 413 - Religious institutes are subject with respect to internal rule and religious discipline, unless law provides otherwise, directly and exclusively to the Apostolic See if they are of pontifical right; if they are of patriarchal or eparchial right, they are directly subject to the patriarch or eparchial bishop, with due regard for can. 418, §2.

Canon 414 - §1. With respect to monasteries and congregations of eparchial right, it pertains to the eparchial bishop:

1° to approve typicon of monasteries and statutes of congregations, and to approve changes introduced into them in accordance with the norm of law, except those which had been approved by a higher authority;

2° to grant dispensations that exceed the power of the religious superiors from the same typicon or statutes, when lawfully requested from him, in single cases and for individual occasions only; 3° to make a visitation of monasteries, including dependent ones, as well as of each house of congregations located in his territory, whenever he conducts a canonical visitation there as well as when truly special reasons require it according to his judgment.

§2. These rights pertain to the patriarch with respect to orders and congregations of patriarchal right which have their headquarters within the territorial boundaries of the Church over which he presides; otherwise the same rights with respect to all orders, as well as to monasteries and congregations which are not of eparchial right, belong to the Apostolic See alone.

§3. When a congregation of eparchial right has extended itself to other eparchies, nothing can validly be changed in the statutes, except by the consent of the eparchial bishop of the eparchy where the principal house is located, however, after consultation with the eparchial bishops in whose eparchies the other houses are located.

Canon 415 - §1. All religious are subject to the authority of the local hierarch in matters which pertain to the public celebration of divine worship, to the preaching of the word of God to the people, to the religious and moral education of the Christian faithful, especially of children, to catechetical and liturgical instruction and to what becomes the clerical state, as well as to various works of the apostolate.

§2. It is the right and duty of the eparchial bishop to make a visitation of each monastery and of houses of orders and congregations in his territory in respect to the matters mentioned in 1 as often as he conducts a Canonical visitation there or whenever he judges that grave reasons suggest it.

§3. The eparchial bishop can entrust apostolic work or duties pertaining to the eparchy to religious only with the consent of the competent superiors, without prejudice to common law and with observance of the religious discipline of the institutes safeguarding their own character and specific purpose.

§4. Religious who committed a delict outside their house and have not been punished by their proper superior and who have been warned by the local hierarch, can be punished by that hierarch even if they have lawfully left and have returned to the house.

Canon 416 - Patriarchs as well as local hierarchs shall foster meetings with the superiors of religious at stated times or whenever this appears appropriate in order that the apostolate exercised by the members may be carried out in common concert and harmony.

Canon 417 - If abuses have crept into houses of institutes of patriarchal or of pontifical right or in their churches, and the superior, warned by the local hierarch, has failed to take care of it, the same local hierarch is obliged to defer the matter without delay to the attention of the authority to which the institute is immediately subject.

2° Superiors and Members of Religious Institutes

Canon 418 - §1. Major superiors are: the president of a monastic confederation, the superior of a monastery sui iuris, the superior general of an order or congregation, the provincial superior, their vicars and others who have power corresponding to provincials, and also those who, if the aforementioned are missing, in the meantime legitimately succeed them in office.

§2. Under the designation of superior of monks and other religious does not come either the local hierarch or the patriarch, without prejudice to the canons which assign power over them to the patriarch or to the local hierarch.

Canon 419 - §1. The president of a monastic confederation, the superior of a non-confederated monastery sui iuris, the superior general of the order or

congregation, are obliged to forward a report on the state of the institutes which they head to the authority to which they are immediately subject at least every five years, according to the form prescribed by the same authority.

§2. Superiors of institutes of eparchial or patriarchal right shall send a copy of their report to the Apostolic See.

Canon 420 - §1. Major superiors who are designated as visitators by the typicon of monasteries or statutes of orders and congregations, shall make a visitation at the times determined in them of all houses subject to them in person or through another if they are legitimately impeded.

§2. The members shall trust the visitator, and they are obliged to respond according to the truth in charity to lawful questioning; and indeed, no one has the right to divert the members from this obligation by any means or to hinder the object of the visitation in any manner.

§3. The local hierarch must visit all religious houses, if the major superior who has the right of visitation has not made a visitation after five years, and after being warned by the local hierarch, still has neglected to visit them.

Canon 421 - Superiors are bound by a grave obligation to take care that the members committed to them conduct their lives in accordance with the proper typicon or statutes; superiors shall help the members by example and exhortation in pursuing the purpose of the religious state, and they are to make suitable provision for their personal needs, to care zealously for the sick and to visit them, to reprove the unruly, to console the fainthearted, and to be patient towards all.

Canon 422 - §1. Superiors are to have their own permanent council, established according to the norm of the typicon or statutes, whose cooperation they are to employ in exercising their office. In cases prescribed by the law they are obliged to seek its consent or counsel in accordance with the norm of can. 934.

§2. Particular law shall provide whether in houses of less than six members a council shall be established or not.

Canon 423 - A monastery, monastic confederation, order and congregation and their provinces and houses, legitimately erected, are by the law itself juridic persons. Their capacity, however, of acquiring, possessing, administering or alienating temporal property can be excluded or limited by the typicon or statutes.

Canon 424 - In the typicon or statutes norms shall be established for the use and the administration of property which promote, express and protect the their own form of poverty.

Canon 425 - The temporal property of religious institutes is governed by cann. 1007-1054, unless common law provides otherwise or it appears otherwise from the nature of the matter.

Canon 426 - Each and every religious, whether superior or subject, is obliged not only to observe faithfully and integrally the vows which they have professed, but also to arrange his or her life according to the typicon or statutes thus having faithfully observed the intention and determinations of the founder, and so tend to the perfection of his or her state.

Canon 427 - Each and every religious is bound by the obligations to which clerics are obliged by common law, unless the law provides otherwise or it appears otherwise from the nature of the matter.

Canon 428 - A member in perpetual vows is enrolled in the religious institute as a cleric by ordination as a deacon, or, in case of a cleric already enrolled in an eparchy, by perpetual profession.

Canon 429 - Letters of religious to their superiors and also to the local hierarch, patriarch, legate of the Roman Pontiff, and the Apostolic See, as well as the letters which they themselves receive from them, are not subject to any inspection.

Canon 430 - It is not permitted to confer on religious merely honorific titles of dignities or offices; unless the typicon or statutes permit this in regard to the title of major superior which the religious already has exercised.

Canon 431 - §1. Without the written consent of the major superior, a religious cannot be promoted after the first vows to dignities or offices outside the institute, except those which are conferred in an election by the synod of bishops of a patriarchal Church and without prejudice to can. 89, §2; having fulfilled the function, the religious must return to the monastery, order or congregation.

§2. A religious who becomes a patriarch, bishop or exarch:

1° remains bound by the vows and by the other obligations of his profession, except those which he himself prudently judges incompatible with his dignity. He lacks active and passive voice in his own monastery, order or congregation, and is not subject to the authority of the superiors, and remains subject in virtue of the vow of obedience only to the Roman Pontiff;

2° however, having fulfilled the office (munus), he is to return to his monastery, order or congregation, without prejudice to what is specified in cann. 62 and 211, he can possess active and passive voice, if the typicon or statutes permit it.

§3. A religious who becomes a patriarch, bishop or exarch:

1° if through profession he lost the capacity of acquiring the ownership of goods, he has the use, usufruct and administration of goods which come to him; whatever a patriarch, eparchial bishop, or exarch acquires, he acquires for the patriarchal Church, eparchy, or exarchy; all others, for the monastery or order;

2° if through profession he did not lose the ownership of goods, he regains the use, usufruct, and administration of the goods which he had; he fully acquires for himself those which come to him afterwards;

3° in either case he must dispose of the goods coming to him according to the will of the donors when they do not come to him for personal reasons.

Canon 432 - A dependent monastery, a house or province of a religious institute of any Church sui iuris, also of the Latin Church, which with the

approval of the Apostolic See is attached to another Church sui iuris, must observe the prescriptions of this latter Church, save for the prescriptions of the typicon or statutes which refer to the internal governance of this religious institute and the privileges granted by the Apostolic See.

Art. II. Monasteries

Canon 433 - §1. A monastery is a religious house in which the members strive toward evangelical perfection by the observation of the rules and traditions of monastic life.

§2. A monastery sui iuris is one which does not depend on another one and which is governed by its own typicon approved by competent authority.

Canon 434 - A monastery is of pontifical right if it was erected by the Apostolic See or recognized as such by its decree; of patriarchal right if it is a stauropegial one; of eparchial right if it was erected by the bishop but has not obtained a decree of recognition from the Apostolic See.

1° Erection and Suppression of Monasteries

Canon 435 - §1. The eparchial bishop is competent to erect a monastery sui iuris, having consulted the patriarch within the territorial boundaries of the patriarchal Church, or, in other instances, the Apostolic See.

§2. It is reserved to the patriarch to erect a stauropegial monastery.

Canon 436 - §1. Every monastery sui iuris can have dependent monasteries, among which some are called filial if, according to their own act of erection or to the decree given according to the typicon, they can be likened to monasteries sui iuris; otherwise they are called subsidiary.

§2. For the valid erection of a dependent monastery, the written consent of the authorities to which the monastery sui iuris is subject and of the eparchial bishop where the monastery is to be a erected, is required.

Canon 437 - §1. The permission for erecting a monastery, even a dependent one, includes with it the permission to have a church and to perform sacred ministries as well as to carry out religious works proper to the monastery in

accordance with the norm of the typicon, without prejudice to the conditions lawfully stipulated in the document of erection.

§2. Written permission of the eparchial bishop is required in the case of any monastery for the construction and opening of schools, guest-houses or similar buildings distinct from the monastery.

§3. In order to convert a monastery to other uses, the same formalities are required as for erecting it, except when it concerns a conversion that concerns only the internal governance and religious discipline.

Canon 438 - §1. The patriarch is competent to suppress, within the territorial boundaries of the Church over which he presides, a monastery sui iuris or a filial one of eparchial right or a stauropegial one, for a grave reason, with the consent of the permanent synod and at the request of, or after having consulted, the eparchial bishop if the monastery is of eparchial right, and after having consulted the superior of the monastery, and the president of the confederation should the monastery be confederated, save for the right of suspensive recourse to the Roman Pontiff.

§2. Other monasteries sui iuris or filial monasteries can be suppressed only by the Apostolic See.

§3. A subsidiary monastery can be suppressed by a decree given by the superior of the monastery on which it depends in accordance with the norms of the typicon, with the prior consent of the eparchial bishop.

§4. The property of a suppressed monastery sui iuris reverts to the confederation if it was confederated; otherwise upon the eparchy, or, if it was stauropegial, upon the patriarchal Church. The property of a suppressed dependent monastery devolves upon the monastery sui iuris. To decide on the property of a monastery of papal right is reserved to the Apostolic See, without prejudice in all instances to the will of the donors.

Canon 439 - §1. Several monasteries sui iuris subject to the same eparchial bishop may form a confederation with the written consent of the eparchial bishop, who is also entitled to approve the statutes of the confederation.

§2. The confederation of several monasteries sui iuris of different eparchies or of stauropegial monasteries located within the territorial boundaries of a patriarchal Church may be established after consultation with the eparchial bishops who have an interest, with the consent of the patriarch, to whom is also reserved the approval of the constitutions of the confederation.

§3. In other instances, the Apostolic See is to be approached for the establishment of a confederation.

Canon 440 - §1. The aggregation of a non-confederated monastery sui iuris to, or the withdrawal from a confederation is reserved to the same authority spoken of in can. 439.

§2. A confederation, however, within the territorial boundaries of a patriarchal Church can be suppressed only by the patriarch, with the consent of the synod of bishops of the patriarchal Church, after consultation with the eparchial bishops who have an interest, and of the president of the confederation, without prejudice to suspensive recourse to the Roman Pontiff; the suppression of other confederations is reserved to the Apostolic See.

§3. It is reserved to the authority which suppressed the confederation to dispose of the property that belongs to the suppressed confederation, without prejudice to the will of the donors; in such a case the patriarch needs the consent of the permanent synod.

2° The Superiors, Synaxes, and Finance Officers of Monasteries

Canon 441 - §1. In monasteries superiors and synaxes have that power which is determined in the common law and the typicon.

§2. Superiors in monasteries sui iuris have power of governance insofar as it is expressly granted to them in law or by the authority to which they are subject, without prejudice to can. 979.

§3. Beyond what is determined by common law, the power of the president of a monastic confederation must be determined in the statutes of the same confederation.

Canon 442 - Without prejudice to the typicon of the monastery requiring more, in order that a person be capable to assume the office of superior of a monastery sui iuris, it is required that the person be perpetually professed, be professed at least ten years, and is at least forty years old.

Canon 443 - §1. The superior of a monastery sui iuris is to be elected by the synaxis convened according to the norms of the typicon and having observed cann. 947-960, without prejudice to the right of the bishop of the eparchy to preside at the synaxis of election in person or through another.

§2. At the synaxis of election of the superior of a confederate monastery sui iuris, the president of the confederation presides over the election in person or through another.

Canon 444 - §1. The office of superior of a monastery sui iuris is conferred for an indeterminate time, unless the typicon states otherwise.

§2. Unless the typicon prescribes otherwise, superiors of dependent monasteries are appointed by the superior of the monastery sui iuris for a time determined in the typicon itself, with the consent of the council if the monastery is filial, but after consulting the council if it is a subsidiary one.

§3. Superiors who have completed the seventy-fifth year of age, or who have become less capable of fulfilling the duties of their office because of failing health or some other grave cause, shall submit a resignation from office to the synaxis, which is to accept it.

Canon 445 - Members of the synaxis of election shall seriously strive to elect those whom they know for sure before the Lord as being truly worthy and suited for the office of superior, abstaining from any abuse whatever, especially from procuring votes for themselves or for others.

Canon 446 - The superior shall reside in the monastery and shall not be absent from it except according to the norm of the typicon.

Canon 447 - §1. There shall be a finance officer for the administration of temporal property in a monastery, who shall discharge this office under the direction of the superior.

§2. The superior of a monastery sui iuris shall not perform at the same time the duties of finance officer; the duties of finance officer of a dependent monastery, however, although it is better that it be separated from the office of superior, may nevertheless by joined with it if necessity demands it.

§3. The finance officer is appointed by the superior of the monastery sui iuris with the consent of the council unless the typicon states otherwise.

3° Admission to a Monastery Sui Iuris and the Novitiate

Canon 448 - For one to be admitted into a monastery sui iuris it is required that the person is moved by the right intention, is suited for leading a monastic life and is not prevented by any impediment established by the law.

Canon 449 - Before being admitted to the novitiate, a candidate is to live in the monastery under the special care of an experienced monk for a period of time specified in the typicon.

Canon 450 - Without prejudice to prescriptions of the typicon which require more, the following cannot be validly admitted to the novitiate:

1° non-Catholics;

2° those who have been punished with canonical penalties except those mentioned in can. 1426, §1; 3° those, who are under imminent threat of a serious penalty on account of a crime of which they are legitimately accused;

4° those who are under 18 years of age, except if it is the case of a monastery which has temporary profession, in which instance 17 years of age is sufficient;

5° those who are entering the monastery induced by force, grave fear or by fraud or those, who are admitted by a superior induced in the same way;

6° spouses, during a marriage;

7° those who are held by the bond of religious profession or by another sacred bond to an institute of consecrated life, unless it is a case of lawful transfer.

Canon 451 - No one can be admitted licitly to the novitiate of a monastery of another Church sui iuris without the permission of the Apostolic See, unless it is the case of candidates who are destined for a dependent monastery of their own Church as mentioned in can. 432.

Canon 452 - §1. Clerics enrolled in an eparchy cannot be licitly admitted to the novitiate without consulting their own eparchial bishop nor can they be admitted licitly, if the eparchial bishop objects to it because their departure will result in grave harm to souls which cannot be prevented otherwise; or if it concerns those who are destined to the priesthood in a monastery but are restrained by some impediment established in law.

§2. Likewise, parents whose help is necessary in raising and educating children cannot be licitly admitted to the monastery, as well as children who are obligated to assist a father or mother, a grandfather or grand-mother who are in great need, unless the monastery has provided otherwise for this.

Canon 453 - §1. It is the superior of an monastery sui iuris who admits to the novitiate after having consulted the council.

§2. Superiors themselves must make certain of the suitability and the full freedom of a candidate in choosing the monastic state by using appropriate means.

§3. In respect to the submission of documents as well as the various testimonials concerning their good conduct and suitability, the prescriptions of the typicon shall be followed.

Canon 454 - Norms are to be determined in the typicon concerning the dowry, where it is required to be furnished by aspirants, to be administered under the special supervision of the local hierarch, as well as in respect to the restitution of the entire dowry, without the income already accrued, to one who is leaving the monastery for whatever reason.

Canon 455 - The novitiate begins with the reception of the monastic habit or in any other manner prescribed in the typicon.

Canon 456 - §1. A monastery sui iuris can have its own novices who shall be initiated into monastic life in the same monastery under the direction of a suitable member.

§2. In order that the novitiate be valid, it must be performed in the monastery sui iuris itself, or, by a decision of the superior, after consulting the council, in another monastery sui iuris of the same confederation.

§3. If a monastery sui iuris, whether a confederated one or a non-confederated one, cannot comply with the prescriptions on the formation of novices, the superior is obliged to send the aspirants to another monastery in which the same prescriptions are conscientiously observed.

Canon 457 - §1. In order that the novitiate be valid, it must last for three full and continuous years, but in monasteries in which a temporary profession precedes final profession, one year is sufficient.

§2. In every year of the novitiate, an absence of three months, continuous or with interruptions, does not affect the validity of the novitiate, but the unfinished time must be made up, unless it does not exceed fifteen days.

§3. The novitiate shall not be extended beyond three years, without prejudice to can. 461, §2.

Canon 458 - §1. The formation of the novices is to be entrusted as to a director in accordance with the norms of the typicon to a member distinguished by prudence, charity, piety, knowledge and experience in the observance of monastic life, professed for at least ten years.

§2. The rights and duties of this director, especially in respect to the manner of formation of the novices, as well as to the director's relations to the synaxis and the superior of the monastery, are to be determined in the typicon.

Canon 459 - §1. Constantly during the novitiate the hearts of novices are to be fashioned under the leadership of the director in the study of the typicon, in pious meditations and assiduous prayer, so that they may thoroughly learn what pertains to the vows and the virtues, to engage in suitable exercises to root out vices in order to curb the movements of the soul and to acquire virtues.

§2. During the novitiate, novices shall not be assigned to tasks outside the monastery nor engage in the regular study of letters, science or the arts.

Canon 460 - A novice cannot validly renounce his or her property in any manner whatever nor can a novice burden it with obligations, with due regard for can. 467, §1.

Canon 461 - §1. A novice can freely leave the monastery sui iuris or be dismissed for a just cause by the superiors or the synaxis in accordance with the typicon.

§2. When the novitiate is completed, a novice shall be admitted to profession if judged suitable, otherwise the novice is to be dismissed. If a doubt remains whether a novice is suitable, the time of novitiate can be prolonged in accordance with the norms of the typicon but not beyond one year.

4° Consecration or Monastic Profession

Canon 462 - §1. The monastic state is definitively assumed with perpetual profession, which includes the three perpetual vows of obedience, chastity and poverty.

§2. In the making of profession the prescriptions of the typicon and the liturgical books shall be observed.

Canon 463 - The typicon of the monastery shall be observed in what pertains to the different degrees of monastic profession, with due regard for the juridic force of the profession according to common law.

Canon 464 - For the validity of perpetual monastic profession it is required: 1° that the novitiate has been validly completed;

2° that the novice be admitted to profession by the superior of the proper monastery sui iuris with the consent of the council, and that the profession be received by the same superior in person or by another; 3° that the profession be expressed and made without force, grave fear or fraud; 4° that other requirements in the typicon for the validity of the profession be fulfilled.

Canon 465 - What is prescribed in common law for temporary profession has force also with respect to monasteries in which such a profession in accordance with the typicon precedes perpetual profession.

Canon 466 - Perpetual monastic profession renders acts that are contrary to the vows invalid if the acts can be nullified.

Canon 467 - §1. A candidate for perpetual monastic profession must, within sixty days prior to the profession, renounce in favor of whomever the candidate prefers all goods which he or she actually possesses on condition that the profession subsequently takes place; a renunciation made before this time is by the law itself invalid.

§2. As soon as the profession has been made, all necessary steps shall be taken at once in order that the renunciation become effective also in civil law.

Canon 468 - §1. Any temporal goods whatsoever which accrue to the member after perpetual profession in virtue of any title are acquired by the monastery.

§2. The monastery is responsible for the debts and obligations which the member incurred after final profession with the permission of the superior. If, however, the member incurred debts without permission of the superior, the member must be held responsible.

§3. It shall be a fixed rule that an action can always be brought against one who has profited from the contract entered into.

Canon 469 - Having made perpetual profession, a member loses by the law itself whatever offices he or she may have held as well as his own eparchy,

and is joined to the monastery with the full effects of law.

Canon 470 - The document certifying that perpetual profession has been made, signed by the member and by the one who received the profession, even by delegation, shall be preserved in the archives of the monastery. The superior of the monastery sui iuris is to notify as soon as possible the pastor with whom the baptism of the professed is recorded.

5° Formation of Members and Monastic Discipline

Canon 471 - §1. The manner of formation of members is to be determined in the typicon in such a way that they be permanently motivated to aim more fully toward holiness of life as well as that their abilities be developed through the study of sacred doctrine and the acquisition of human culture in accordance with the needs of the time, and that they thereby become more adept in the arts and tasks which are legitimately undertaken by the monastery.

§2. The formation of monks destined for sacred orders is to proceed according to the plan of formation of clerics prescribed in can. 330 in the monastery itself, if it has a facility of studies set up according to can.

340, §1, or under the direction of an experienced moderator in another seminary or institute of higher studies approved by ecclesiastical authority.

Canon 472 - The superior of a monastery sui iuris can grant dimissorial letters for sacred orders to his members, after they have made perpetual profession, and in accordance with the norm of the typicon.

These letters are to be sent to the local eparchial bishop where the monastery is located, even if it is a dependent monastery, or, if it is a stauropegial monastery, to the bishop designated by the patriarch.

Canon 473 - §1. In individual monasteries the divine praises are to be celebrated daily according to the typicon and legitimate customs. Likewise, the Divine Liturgy shall be celebrated on all days except those which are excluded by the prescriptions of the liturgical books.

§2. The superiors of monasteries shall take care that all members, in accordance with the typicon: 1° who are not lawfully prevented take part daily in the divine praises and Divine Liturgy when they are celebrated, take time for contemplation of divine things, and diligently apply themselves to other exercises of piety;

2° can freely and often approach spiritual fathers and confessors; 3° make a spiritual retreat for several days every year.

Canon 474 - §1. The members of monasteries shall receive the sacrament of penance often in accordance with the norm of the typicon.

§2. Without prejudice to the typicon advising that confession be made to certain confessors, all members of the monastery can without interference with the discipline of the monastery, receive the sacrament of penance from any priest possessing the faculty to administer this sacrament.

Canon 475 - §1. In each monastery, in accordance with the number of members, several spiritual fathers and confessors shall be assigned by the superior of the monastery, if it is the case of priest-monks of the same monastery who have the faculty of administering the sacrament of penance; otherwise by the local hierarch, after he has heard the superior of the monastery sui iuris, who before that must consult with the interested community.

§2. For monasteries in which there are no priest-monks, the local hierarch shall designate in the same manner a priest who will regularly celebrate the Divine Liturgy and preach the word of God in the monastery, with due regard for can. 612, §2.

Canon 476 - Members of the monastery, whether within or outside the monastery, are to wear the monastic habit prescribed by their own typicon.

Canon 477 - §1. The enclosure shall be observed in monasteries in the manner prescribed in the typicon, without prejudice to the right of the superior to admit, in individual instances and for a grave reason, into parts subject to the enclosure persons of the other gender other than those who may enter the enclosure in accordance with the typicon.

§2. The parts of the monastery subject to the law of enclosure shall be clearly indicated.

§3. It is up to the superior of a monastery sui iuris, with the consent of the council and after notifying the local hierarch, to prescribe precisely the boundaries of the enclosure or to change them for just reasons.

Canon 478 - The superior of the monastery may permit that members stay outside the monastery for a time determined in the typicon. However, for an absence which exceeds one year, unless it is for reason of study or illness, the permission is required of the authority to whom the monastery is subject.

Canon 479 - If, in the judgment of the local hierarch, the assistance of monasteries is needed in the catechetical instruction of the people, all superiors, when requested by that hierarch, must provide such instruction to the people themselves or through others in their own churches.

Canon 480 - A parish cannot be established in the church of a monastery, nor can monks be appointed pastors without the permission of the patriarch within the territorial boundaries of the Church over which he presides, or in other cases, of the Apostolic See.

6° Hermits

Canon 481 - A hermit is a member of a monastery sui iuris who has given himself or herself totally into heavenly contemplation and who is totally separated from people and the world.

Canon 482 - In order to undertake the life of a hermit, it is necessary that the member has obtained the permission of the superior of the monastery sui iuris to which the member belongs, given with the consent of the council, and has lived in a monastery at least six years calculated from the day of perpetual profession.

Canon 483 - The place where the hermit lives is to be designated by the superior of the monastery and is in a special manner separated from the world and from other parts of the monastery; but if the place is situated

outside the territory of the monastery, the written consent of the local hierarch is also required.

Canon 484 - The hermit depends on the superior of the monastery and is obliged by the canons on monks and the typicon of the monastery insofar as they can be reconciled with life as a hermit.

Canon 485 - The superior of the monastery sui iuris has the authority, with the consent of the council, to terminate the eremitical life for just reasons, even against the wish of the hermit.

7° The Stauropegial Monastery

Canon 486 - §1. The patriarch can for a grave reason, having consulted the eparchial bishop and with the consent of the permanent synod, concede the status of a stauropegial monastery in the very act of foundation of a monastery sui iuris.

§2. The stauropegial monastery is directly subject to the patriarch in such a way that only he himself enjoys the rights and obligations of an eparchial bishop toward the monastery, the members assigned to it, as well as the persons who day and night dwell in the monastery. Other persons, however, connected with the monastery are subject directly and exclusively to the patriarch only in those aspects which concern their duties and offices.

8° Transfer to Another Monastery

Canon 487 - §1. A member cannot transfer from one monastery sui iuris to another of the same confederation without written permission of the president of the confederation.

§2. For a transfer from a non-confederated monastery to another monastery subject to the same authority, the permission of the same authority is required; but if the monastery to which the transfer is sought is subject to another authority, the permission of this authority is also required.

§3. The patriarch, the eparchial bishop and the president of the confederation cannot grant this permission except after having consulted the superior of the monastery sui iuris from which the transfer is sought.

§4. For a valid transfer to a monastery of another Church sui iuris the permission of the Apostolic See is required.

§5. The transfer occurs by the admission of the superior of the new monastery sui iuris with the consent of the synaxis.

Canon 488 - §1. The one who transfers to another monastery sui iuris of the same confederation does not make the novitiate nor make a new profession, and from the day of the transfer he loses all rights and is released from the obligations towards the previous monastery and takes on the rights and duties of the second, and is enrolled in it as a cleric, if he is a cleric.

§2. The one who transfers from one monastery sui iuris to another monastery sui iuris that does not belong to any confederation or belongs to a different one shall observe the prescription of the typicon of the monastery to which he or she transfers in respect to the obligation to make a novitiate and profession.

If there is no provision for it in the typicon, the person does not make the novitiate nor a new profession, but the effects take place from the day of transfer, unless the superior of the monastery requires the person to go through some probationary period, not longer than a year, in the new monastery. When the probationary time has passed, he or she either shall be enrolled permanently in the new monastery by the Superior with the consent of the council or synaxis in accordance with the typicon, or shall return to the previous monastery.

§3. In the transfer from a monastery sui iuris to an order or congregation cann. 544 and 545 are to be observed, with the necessary adaptations.

§4. The monastery sui iuris from which the member transferred keeps the goods which had been already acquired by it because of or through the member. In respect to a dowry, it belongs to the monastery to which transfer occurs, from the day of the transfer, without the revenues that have accrued.

9° Exclaustration and Separation from the Monastery

Canon 489 - §1. The indult of exclaustration can be granted only to a member of a monastery sui iuris who is in perpetual vows. When this member petitions, the indult can be granted by the authority to whom the monastery is subject after hearing the superior of the monastery sui iuris along with the council.

§2. The eparchial bishop can grant this indult only for up to three years.

Canon 490 - Exclaustration can be imposed by the authority to which the monastery is subject, at the request of the superior of the monastery sui iuris with the consent of the council, for grave reasons and with observance of equity and charity.

Canon 491 - The exclaustrated member remains bound by the vows and other obligations of the monastic profession which are compatible with his or her condition; the member must put off the monastic habit; during the time of the exclaustration he or she lacks active and passive voice and is subject to the eparchial bishop of the place where he or she dwells in place of the superior of his or her own monastery also in virtue of the vow of obedience.

Canon 492 - §1. The perpetually professed member shall not request the indult to leave the monastery and return to secular life except for the most grave reasons, pondered before the Lord. A petition shall be submitted to the superior of the monastery sui iuris, who shall forward it, together with his or her votum and that of the council, to the Apostolic See.

§2. An indult of this kind is reserved to the Apostolic See.

Canon 493 - §1. The indult of leaving the monastery and returning to secular life that has been lawfully granted and communicated to the member carries with it by the law itself, unless it was repudiated by the member at the moment of notification, the dispensation from the vows as well as from all obligations arising from profession, but not from the ones that are attached to a sacred order if he is in sacred orders.

§2. If a member who had left a monastery and returned to secular life is again received into the monastery, he shall go through the novitiate and

profession again as if he or she had never been in religious life.

Canon 494 - §1. A monk in perpetual vows who is in sacred orders, if he has obtained the indult of departure from the monastery and returns to the world, cannot exercise sacred orders until he has found a benevolent eparchial bishop to receive him.

§2. The eparchial bishop can receive him either unconditionally or on a trial basis for five years. In the first instance, the monk is thereby enrolled in the eparchy by the law itself; in the other case, after the completion of five years unless he was prior to that expressly dismissed.

Canon 495 - A member who, after making profession, has unlawfully left the monastery, must without delay return to it. The superiors must solicitously seek such members out and receive them back if they return moved by sincere penitence; otherwise, they shall be punished according the norm of law, even with dismissal.

Canon 496 - §1. One who during temporary profession wishes to leave the monastery for a grave reason and return to the world, shall submit a petition to the superior of the monastery sui iuris.

§2. The superior shall forward this petition, together with his or her votum and that of the council, to the eparchial bishop whose competence it is, even for a monastery of pontifical right, to grant in this instance the indult of departure from the monastery and return to secular life, unless particular law reserves this to the patriarch in monasteries located within the territorial boundaries of a patriarchal Church.

10° Dismissal of Monks

Canon 497 - §1. A member shall be held dismissed from the monastery by the law itself, who: 1° has publicly rejected the Catholic faith;

2° has celebrated or attempted marriage, even only a civil one.

§2. The superior of the monastery sui iuris, having consulted the council, shall in such cases without delay, after collecting the proofs, issue a declaration on the facts so that the dismissal is juridically established, and

he or she shall inform the authority to whom the monastery is immediately subject of this as soon as possible.

Canon 498 - §1. A member who is the cause of very grave imminent external scandal or harm to the monastery, can be expelled at once from the monastery, by the superior with the consent of the council, having immediately put off the monastic habit.

§2. The superior of the monastery sui iuris, if the case warrants it, shall see to it that the dismissal procedure progresses in accordance with the law, or shall defer the matter to the authority to which the monastery is subject.

§3. A member expelled from the monastery who has received a sacred order is forbidden to exercise the order unless the authority to whom the monastery is subject has decided otherwise.

Canon 499 - A member can be dismissed during temporary profession by the superior of the monastery sui iuris with the consent of the council according to can. 552, §§2 and 3, but, for validity, the dismissal must be confirmed by the eparchial bishop, or by the patriarch if particular law decrees it for monasteries situated within the territorial boundaries of a patriarchal Church.

Canon 500 - §1. For the dismissal of a perpetually professed member, with due regard for can. 497, the president of the monastic confederation or the superior of a no-confederated monastery sui iuris is competent to issue a decree of dismissal, either of them with the consent of the council, which in this instance must be composed for validity of at least five members, including the presiding superior, in such a way that if the number of ordinary councilors is insufficient or they are absent, others are to be called in accordance with the typicon or the statutes of the confederation; the voting, however, must be done secretly.

§2. In order to decide on dismissal, in addition to other conditions possibly stipulated in the typicon, it is required for validity:

1° that there is a lack of reform and the reasons for dismissal are grave, culpable and juridically proven; 2° that the dismissal was preceded, unless

the nature of the reason for dismissal precludes it, by two warnings with the formal threat of dismissal, which were to no avail; 3° that the reasons for dismissal were presented in writing to the member, granting the member, after each warning, full opportunity of defence;

4° that the available time established by the typicon has elapsed since the last warning.

§3. The written responses of the member, shall be attached to the acts which are to be submitted to those mentioned in 1.

§4. The decree of dismissal cannot be executed unless it is approved by the authority to whom the monastery is immediately subject.

Canon 501 - §1. The decree of dismissal shall be communicated as soon as possible to the interested member.

§2. The member can, within ten days, either have recourse with suspensive effect, or, unless the decree of dismissal has been confirmed by the Apostolic See, demand that the case be tried in judicial proceedings.

§3. The decision about the recourse against the decree of dismissal belongs to the Apostolic See, or, if it is a member who has domicile within the territorial boundaries of the patriarchal Church, to the patriarch.

§4. If the case is to be treated in a judicial proceeding, it is to be done by the tribunal of the authority immediately superior to the one which has confirmed the decree of dismissal. The superior who has rendered the decree of dismissal shall hand over the acts collected in the matter to this tribunal and the case shall be processed according to the canons on penal trial without the possibility of appeal.

Canon 502 - By lawful dismissal, excluding that one mentioned in can. 497, all bonds as well as obligations stemming from monastic profession cease by the law itself; and if the member had been promoted to a sacred order, can. 494 is to be observed.

Canon 503 - §1. One who lawfully departs or who was lawfully dismissed from the monastery cannot claim anything from it for any kind of work performed therein.

§2. The monastery, however, shall extend equitable and evangelical charity toward a member who is being separated from it.

Art. III. Orders and Congregations

Canon 504 - §1. An order is a society erected by competent ecclesiastical authority in which the members, although they are not monks, make a profession which is equivalent to monastic profession.

§2. A congregation is a society erected by competent ecclesiastical authority in which the members make the three public vows of obedience, chastity and poverty, which however are not equivalent to monastic profession, but have their own force according to the law.

Canon 505 - §1. An order is of pontifical right if it is erected by the Apostolic See or recognized as such by a decree of the same; of patriarchal right, if it has not obtained the decree of recognition from the Apostolic See.

§2. A congregation is:

1° of pontifical right, if it is erected by the Apostolic See or recognized as such by a decree of the same; 2° of patriarchal right if, erected by the patriarch or recognized as such by his decree, and it has not obtained a decree of recognition from the Apostolic See;

3° of eparchial right if, erected by the eparchial bishop, and it has not obtained a decree of recognition from the Apostolic See or from the patriarch.

§3. An order or a congregation is called clerical when, on account of the object or purpose intended by the founder or in virtue of lawful custom, under the direction of presbyters, it exercises the ministry proper to sacred orders, and is recognized as such by ecclesiastical authority.

1° Erection and Suppression of an Order, Congregation, Province, House

Canon 506 §1. The eparchial bishop can erect only congregations, but he shall not erect them without consulting the Apostolic See, and, in addition, within the territorial boundaries of a patriarchal Church, without consulting the patriarch.

§2. The patriarch can erect orders and congregations with the consent of the permanent synod and after consulting the Apostolic See.

§3. A congregation of eparchial right which, within the territorial boundaries of patriarchal Church, has spread to several eparchies of the same territory can become of patriarchal right by a decree of the patriarch, after he has consulted interested parties and he has obtained the consent of the permanent synod.

Canon 507 - §1. An order, even of patriarchal right, lawfully erected, although consisting of only one house, cannot be suppressed except by the Apostolic See, and to which it is also reserved to dispose of the property of the suppressed order, without prejudice to the wishes of the donors.

§2. A congregation of patriarchal or eparchial right, lawfully erected, although consisting of only one house, can be suppressed, besides by the Apostolic See, by the patriarch, within the territorial boundaries of the Church over which he presides, after consultation with interested parties and with the consent of the permanent synod and of the Apostolic See.

Canon 508 - §1. A province is a part of the same order or congregation, consisting of several houses, and which a major superior rules directly.

§2. To divide an order or congregation into provinces, to unite established provinces or to modify their boundaries, to erect new ones or to suppress erected ones, pertains to the authority determined by the statutes of the order or congregation.

§3. To make provisions concerning the property of suppressed provinces, with due regard to justice and the wishes of the donors, pertains, unless the

statutes direct otherwise, to the general synaxis, or, in urgent necessity, to the superior general with the consent of the council.

Canon 509 - §1. An order or congregation cannot validly erect a house without the written consent of the eparchial bishop. If it is the case of erecting the first house of an order or congregation of patriarchal right in some eparchy, the consent of the patriarch is required within the territorial boundaries of the patriarchal Church, or in other cases, the consent of the Apostolic See.

§2. The matters mentioned in can. 437 shall apply also to houses of orders and congregations.

Canon 510 - The house of an order or congregation cannot validly be suppressed except after consultation with the eparchial bishop. The suppression of the only house of an order or a congregation is reserved to the authority which in accordance with can. 507 can suppress the order or congregation.

2° Superiors, Synaxes and Finance Officers in Orders and Congregations

Canon 511 §1. The superiors and synaxes in orders and congregations have that power which is determined in common law and the statutes.

§2. In clerical orders and congregations of pontifical or patriarchal right, moreover, superiors and synaxes possess power of governance for both the external as well as the internal forum, in conformity with the statutes.

Canon 512 - §1. A general synaxis, which holds higher authority according to the norm of the statutes, is to be formed so that representing the entire order or congregation, it should be a true sign of its unity in love.

§2. Not only provinces and houses, but even every member can freely send his or her wishes to the general synaxis in a manner determined in the statutes.

Canon 513 - §1. In order for a member to be appointed or elected validly to the office of superior, an appropriate period of time is required after

perpetual profession, to be determined by the statutes, which in the case of the major superiors must be at least ten years from first profession.

§2. If it is the case of the superior general, there is moreover required for validity that he or she be thirty-five years of age.

Canon 514 - §1. Superiors are to be constituted for a certain and appropriate term of office, unless the statutes decree differently for the superior general.

§2. However, before the determined time has elapsed they can be removed from office, or be transferred to another office for reasons, and according to the procedure, determined by the statutes.

§3. It shall be provided in suitable norms of the statutes that members shall not stay for too long time in the office of superior without interruption.

Canon 515 - §1. The superior general is designated by election according to the statutes.

§2. Other superiors are designated in accordance with the statutes in such a way that if they are elected, they need the confirmation of the competent major superior but if they are appointed, that this be done after suitable prior consultation.

§3. The prescriptions of cann. 947-960 as well as of can. 445 shall be carefully followed in elections.

Canon 516 - §1. There shall be finance officers in orders and congregations for the administration of temporal goods; a general finance officer who administers the goods of the entire order or congregation; a provincial finance officer for the province, a local finance officer for each single house; all of whom shall discharge their duties under the authority of the superior.

§2. A major superior cannot fulfill the office of general finance officer or provincial finance officer. The duties of a local finance officer although it is preferably separated from the office of the superior, can nevertheless be combined with it if necessity demands it.

§3. If the statutes are silent on the manner of designating finance officers, they shall be appointed by the major superior with the consent of the council.

3° Admission to Orders and Congregations and the Novitiate

Canon 517 - §1. One is admitted validly to the novitiate of an order or congregation who has completed the seventeenth year of age. In respect to other requirements for admission to the novitiate cann. 448, 450, 452, and 454 shall be observed.

§2. No one is admitted lawfully to the novitiate of a religious institute of another Church sui iuris without the permission of the Apostolic See, unless it is a candidate who is destined for a province or house, mentioned in can. 432, of the same Church.

Canon 518 - Before being admitted to the novitiate, a candidate shall undergo an appropriate period of preparation to be determined in the statutes, under the special care of an experienced member.

Canon 519 - The right to admit candidates to the novitiate pertains to major superiors with due regard for the statutes and with can. 453, §§2 and 3.

Canon 520 - The novitiate begins in the manner prescribed by the statutes.

Canon 521 - The erection, transfer and suppression of the location of the novitiate shall be done by a decree of the superior general with the consent of his or her council.

Canon 522 - §1. In order that the novitiate be valid, it must be made in the house in which the novitiate is located; in special cases and by way of an exception, the candidate can, with the permission of the superior general, given with the consent of the council, make the novitiate in another house of the same order or congregation, under the direction of an experienced member who takes the place of the master of novices.

§2. The major superior can permit a group of novices to live for a certain period of time in another house of the same order or congregation designated by him.

Canon 523 - §1. For validity of the novitiate it is required that it comprise one full and continuous year; an absence of three months, either continuous or in shorter interruptions, does not affect the validity, but, if it exceeds fifteen days, the unfinished time must be made up, even though it had been dedicated to apostolic work arranged for the instruction of the novices.

§2. If the statutes prescribed a longer novitiate, this is not required for the validity of the profession.

Canon 524 - §1. A director shall be appointed for the formation of the novices in accordance with the statutes; the director shall be a member who is professed at least ten years from first profession, outstanding in prudence, charity, piety, knowledge, and the observance of religious state, and, in a clerical order or congregation, a presbyter.

§2. Assistants can be given to the director, if this is necessary, who are subject to the director in everything that pertains to the direction of the novitiate and the formation of the novices.

§3. The director alone has the right and duty of providing for the formation of the novices, so that no one is allowed to interfere in these thing under any pretext whatever, except the superiors to whom this is permitted by the statutes, and visitators; however, in what relates to the religious discipline of the entire house, the director, in the same way as the novices, is subject to the superior.

§4. The novice is under the authority of the director and the superiors and is obliged to obey them.

Canon 525 - §1. The conditions prescribed concerning novices in cann. 459-461 oblige also in orders and congregations.

§2. The novice, before making temporary profession, must cede to whomever he or she wishes, for the whole time during which he or she will be bound by the profession, the administration of the goods which he or she now possesses, as well as those which will accrue later; and they are to dispose freely of their use and usufruct.

4° Profession in Orders and Congregations

Canon 526 - §1. The temporary profession, with the three vows of obedience, chastity and poverty, shall be made for that time determined in the statutes.

§2. This profession can be repeated several times in accordance with the statutes, but in such a manner that taken together the time shall not be shorter than three nor longer than six years.

Canon 527 - For the validity of temporary profession it is required: 1° that the novitiate has been validly completed;

2° that the novice be admitted to profession by the competent superior according to the statutes with the consent of the council, and the profession be received by the same superior in person or through another; 3° that the profession be expressed and made without force, grave fear or fraud; 4° that other requirements stipulated in the statutes for the validity of the profession be fulfilled.

Canon 528 - A temporarily professed member is held by the same obligation to observe the statutes as a perpetually professed one; he or she lacks active and passive voice, unless it is otherwise expressly provided in the statutes.

Canon 529 - §1. Temporary profession renders acts contrary to the vows unlawful, but not invalid.

§2. This profession does not deprive the member of the ownership of one's own goods nor the capacity to acquire other ones. However, the member is not permitted gratuitously to renounce the right of disposing of goods by an act effective during life.

§3. But whatever the member in temporary vows acquires by his or her own industry or in respect to the order or congregation is acquired for the order or congregation; unless the contrary is lawfully proven, it is presumed that the member acquires in respect to the order or congregation.

§4. The professed can change the renunciation or disposition mentioned in can. 525, §2 not by his or her own resolve but with the consent of the major superior, as long as the change is not in favor of the order or congregation, at least not in respect to a notable part of the goods. The renunciation or disposition ceases to have force at the member's departure from the order or congregation.

§5. If the temporarily professed has incurred debts and obligations, that member must be responsible for them, unless he or she has, with the permission of the superior, transacted business of the order or congregation.

§6. With the expiration of temporary profession, whatever offices held by the professed become vacant by the law itself.

Canon 530 - In congregations, at least before perpetual profession the member shall freely make a last will which also is valid in civil law.

Canon 531 - By perpetual profession member assume definitively the religious state, lose their own eparchy and are incorporated with full effects of law in the religious order or congregation.

Canon 532 - For the validity of perpetual profession, in addition to the requirements mentioned in can.

464, it is required that it be preceded by temporary profession, in accord with the norm of can. 526.

Canon 533 - In orders the perpetual profession is equivalent to the perpetual monastic profession, hence cann. 466-468 are to be applied.

Canon 534 - In congregations:

1° the canonical effects of perpetual profession remain the same as those determined in can. 529 for temporary profession, except if otherwise provided by common law; 2° the major superior can, with the consent of the council, permit a perpetually professed member at the member's own request to make a cession of his or her goods, provided that it is done prudently; 3° it is up to the general synaxis to introduce into the statutes, if

it deems it opportune, the obligation for a member to renounce his or her patrimony, acquired or to be acquired, which renunciation, however, cannot be done prior to perpetual profession.

Canon 535 - §1. In making any kind of profession, the prescriptions of the statutes shall be observed.

§2. The document certifying that the profession has been made, signed by the professed member and by the one who received the profession, even by delegation, shall be preserved in the archives of the order or congregation. If it is the case of perpetual profession, the major superior must as soon as possible notify the pastor with whom the baptism of the professed is recorded.

5° Formation of Members and Religious Discipline in Orders and Congregations

Canon 536 - §1. The manner of formation of members according to the norm of can. 471, §1 is to be determined in the statutes.

§2. The formation of the members who are destined for sacred orders is to proceed according to the plan of clerical formation prescribed in can. 330 at a facility for studies of the order or congregation approved by the general synaxis or the major superiors in accordance with the statutes. However, if it is not possible to have a facility of studies of their own set up according to can. 340, §1, the members must be instructed, under the guidance of an experienced moderator, in another seminary or school of higher studies approved by ecclesiastical authority.

Canon 537 - §1. Major superiors can grant, in accordance with the statutes, dimissorial letters for sacred orders to perpetually professed members.

§2. The bishop to whom the superior must address the dimissorial letters is the eparchial bishop of the place in which the candidate has a domicile; to another bishop, however, if the eparchial bishop has given permission, is of a Church sui iuris different from that of the candidate, is absent, or, finally, if the eparchy is vacant and the one who governs it is not an ordained bishop. In each case it is necessary that all this be certain to the ordaining bishop by an authentic document of the eparchial curia.

Canon 538 - §1. In each house of orders and congregations the divine praises shall be celebrated according to the norms of the statutes and lawful custom.

§2. The superiors shall see to it that all members fulfill in accordance with the statutes what is prescribed in can. 473, §2.

§3. Members of orders and congregations should approach the sacrament of penance frequently, observing can. 474, §2.

Canon 539 - §1. The superiors shall see to it that suitable confessors are available to the members.

§2. The confessors in clerical orders and congregations of pontifical or patriarchal right are designated by the major superior according to the statutes; but in other cases by the local hierarch after hearing the superior, who must previously consult the interested community.

Canon 540 - In respect to the habit of the members the prescriptions of the statutes, and outside their own houses also the norms of the eparchial bishop, are to be followed.

Canon 541 - The norms respecting the enclosure shall be determined in the statutes of individual orders and congregations in accordance with their own character, without prejudice to the right of superiors, even local ones, to permit something different for a just cause in individual instances.

Canon 542 - Superiors shall take care that they provide willingly members designated by them, especially in the eparchy in which they dwell, when their ministry is required by the local hierarch or the pastor, in order to provide for the needs of the faithful, both in and outside their own churches, without prejudice to the character of the institute and to religious discipline.

Canon 543 - A member of an order or congregation who is a pastor remains bound by the vows and the obligations of his profession as well as of the statutes insofar as this observance of the statutes is compatible with the obligations of his office. He remains subject to the superior in matters which pertain to religious discipline, but in those which concern the office

of pastor he enjoys the same rights and is bound by the same obligations as other pastors, and is subject in the same way to the eparchial bishop.

6° Transfer to Another Order or Congregation or to a Monastery Sui Iuris

Canon 544 - §1. Within the territorial boundaries of the patriarchal Church a member can validly transfer to another religious institute with the written permission of the patriarch and with the consent of his or her own superior general and the superior general of the order or congregation to which he or she wishes to transfer, or, if a member wants to transfer to a monastery, of the superior of the monastery sui iuris; for the granting of their consent, the superiors require the previous consent of their council or, in a monastery, of the synaxis.

§2. A member can validly transfer from a congregation of eparchial right to another religious institute of eparchial right with the written consent of the eparchial bishop of the place where the main house of the religious institute to which the transfer is to be made, after consultation with the superior general of the congregation from which the transfer is to be made, with the consent of the superior general of the congregation or the superior of the monastery sui iuris to which he or she transfers. For the granting of this consent the superiors need the prior consent of their council or, in a monastery, of the synaxis.

§3. In other cases the member cannot validly transfer to another religious institute without the consent of the Apostolic See.

§4. The consent of the Apostolic See is required for the validity of a transfer to a religious institute of another Church sui iuris.

Canon 545 - §1. The one who transfers must go through the entire novitiate, except if the superior general or the superior of the monastery sui iuris, each of them with the consent of the council, on account of special circumstances, reduces the time of the novitiate, but not below six months. During the novitiate, the vows remaining in force, the rights and particular obligations which the member had in the previous order or congregation are held suspended, and the member is bound by the obligation to obey the

superiors of the new religious institute and the director of novices also in virtue of the vow of obedience.

§2. After having completed the novitiate, one who was perpetually professed at the moment of transfer shall publicly make profession according to the statutes of the religious institute to which he or she transferred. By this new profession one is fully united to the new institute, and, if he is a cleric, he is enrolled in it as a cleric as well. But one who has thus far made temporary profession, shall make a temporary profession in the same manner for at least three more years, except in the case when he or she completed the entire novitiate of three years in the monastery sui iuris to which he or she transferred.

§3. If the member does not make the profession in the religious institute to which he or she transferred, that member must return to the previous institute, unless in the meantime the time of profession has expired.

§4. In respect to goods and dowry can. 488, §4 shall be observed.

7° Exclaustration and Leaving the Order or Congregation

Canon 546 - §1. The temporarily professed may freely leave the order or congregation at the expiration of the time of the vows.

§2. One who, while still in temporary vows, requests for a grave reason to leave the order or congregation, can obtain from the superior general with the consent of the council the indult to leave the order or congregation definitively and return to secular life, with the effects mentioned in can. 493; in congregations of eparchial right, the indult, in order to be valid, must be confirmed by the local eparchial bishop where the main house of the same congregation is located.

Canon 547 - §1. The major superior, having consulted the council, can for a just cause exclude a member in temporary vows from the renewal of the temporary vows or from making perpetual profession.

§2. Physical or psychic illness, even if contracted after temporary profession, which in the judgment of experts renders a member in

temporary vows incapable of leading life in the religious institute, constitutes a reason for not admitting that person to the renewal of temporary profession or the making of perpetual profession, unless the infirmity was contracted on account of the negligence of the institute or because of the work performed in the institute.

§3. However, if the member becomes insane during temporary vows, that member cannot be dismissed from the institute even if he or she cannot make a new profession.

Canon 548 - §1. The indult of exclaustration can be granted by the authority to which the order or congregation is subject having heard the superior general and the council. The imposition of exclaustration, however, can be decreed by the same authority at the request of the superior general acting with the consent of the council.

§2. In other aspects of exclaustration cann. 489-491 shall be observed.

Canon 549 - §1. A perpetually professed member shall not ask for the indult to leave the order or congregation and to return to secular life except for the most grave reasons. Such a member shall submit a petition to the superior general, who shall forward it, along with his or her votum and that of the council, to the competent authority.

§2. In orders, an indult of this kind is reserved to the Apostolic See; but in congregations, in addition to the Apostolic See, it can be granted also by:

1° the patriarch with respect to all members who have domicile within the territorial boundaries of the Church over which he presides, after having consulted, if it is a congregation of eparchial right, the eparchial bishop;

2° the eparchial bishop of the eparchy in which the member is domiciled, if it is the case of a congregation of eparchial right.

§3. The indult of departure from the order or congregation has the same canonical effects as stated in can. 493; but with respect to a member who is in a sacred order, can. 494 is to be applied in addition.

Canon 550 - A member, who is unlawfully absent from the house of their own order or congregation with the intention of withdrawing from the power of superiors, is to be solicitously sought after by the same superiors; if, however, within the time prescribed by the statutes, he does not return, he is to be punished according to the norm of law or even dismissed.

8° Dismissal from an Order or Congregation

Canon 551 - What is prescribed in cann. 497 and 498 concerning dismissal or expulsion shall apply to all members of orders and congregations. The competent authority is the major superior having consulted the council; if it concerns expulsions, with the consent of the council. If there is danger in delay and there is no time to reach the major superior, the local superior, with the consent of the council, can expel a member, notifying at once the major superior.

Canon 552 - §1. A temporarily professed member can be dismissed by the superior general with the consent of the council unless the dismissal is reserved in the statutes to the eparchial bishop or another authority to which the order or congregation is subject.

§2. In deciding about the dismissal, in addition to other conditions which might be prescribed by the statutes, the following must be observed:

1° the reasons for dismissal must be grave, and on the part of the member, external and imputable; 2° the lack of the religious spirit, which can be a cause of scandal to others, is a sufficient cause for dismissal if repeated warnings, along with salutary penances, have been in vain; 3° the reasons for dismissal must be certain in the mind of the dismissing superior, although it is not necessary that they be formally proven. Yet, they must be always made known to the member, granting the member full opportunity of defence, and the responses are to be faithfully submitted to the dismissing superior.

§3. A recourse against the decree of dismissal has suspensive effect.

Canon 553 - The superior general is competent with respect to the dismissal of a perpetually professed member; in other cases, cann. 500-503 are to be

observed.

Chapter II. Societies of Common Life according to the Manner of Religious Canon

554 - §1. An institute in which the members profess the evangelical counsels by some sacred bond but not by religious vows, and imitate the manner of life of the religious state, under the governance of superiors in accordance with approved statutes, is a society of common life according to the manner of religious.

§2. Such a society is of pontifical, patriarchal or eparchial right, in accordance with the norm of can. 505,

§2; it is clerical, according to norm of can. 505, §3; dependent on the ecclesiastical authority as congregations are, in accordance with the norm of cann. 413-415, 419, 420, §3 and with due regard to particular law established by the Apostolic See, can. 418, §2.

§3. Members of these societies are equivalent to religious in what pertains to the canonical effects unless the law provides otherwise or it is apparent from the nature of the matter.

Canon 555 - All members of these societies are subject to the Roman Pontiff as their supreme superior, whom they are obliged also in virtue of the sacred bond of obedience.

Canon 556 - In respect to the erection and suppression of a society and of its provinces or houses, the same prescriptions as those established for congregations in cann. 506-510 are to be applied.

Canon 557 - The mode of governance is to be defined by the statutes of the society. In all, however, the norms of cann. 422 and 511-515 on congregations shall be applied, unless this is against the nature of the matter.

Canon 558 - §1. The society, its provinces and houses, lawfully erected, are by the law itself juridic persons according to the norm of can. 423.

§2. The administration of goods shall be governed by the prescriptions of cann. 424, 425, and 516.

§3. Whatever members acquire in respect to the society is acquired for the society; other property the members retain, acquire and administer in conformity with the statutes.

Canon 559 - §1. The statutes shall be observed regarding the admission of candidates in the society with due regard for cann. 450 and 451.

§2. The statutes shall be observed in respect to the formation of members, but in respect to the formation of members who are destined for holy orders the canons on the formation of clerics are to be followed.

Canon 560 - §1. In accordance with the norm of the statutes, the major superior of a society can issue dimissorial letters for holy orders to be conferred on perpetually incorporated members; these letters are to be sent to the bishop mentioned in can. 537, §2.

§2. A perpetually incorporated member is enrolled as a cleric in the society by diaconal ordination or, in the case of a cleric already enrolled in an eparchy, by perpetual incorporation.

Canon 561 - The members of a society are bound by the obligations which are prescribed for clerics by common law, unless the law provides otherwise or it is otherwise certain from the nature of the matter, without prejudice to the rights and obligations determined in the statutes.

Canon 562 - §1. In the case of transfer to another society of living in common according to the manner of religious or to a religious institute, the consent is required of the superior general of the society from which the transfer is being made and, if it is in regard to a transfer to a society of another Church sui iuris, also the consent of the Apostolic See.

§2. A member who moves to another religious institute must go through the entire novitiate and is equivalent to other novices of the institute; with respect to profession, the statutes of the new institute are to be followed.

§3. Without prejudice to cann. 497 and 498, in order to dismiss a member after perpetual incorporation, the superior general is competent, observing cann. 500-503, but a temporarily incorporated member is to be dismissed in accordance with can. 552.

§4. It shall be determined in the statutes of the society the authority who is to dispense from the sacred bond.

Chapter III. Secular Institutes

Canon 563 - §1. A secular institute is a society in which the members: 1° strive to dedicate themselves totally to God by profession of the three evangelical counsels according to the statutes, strengthened by some sacred bond recognized by the Church; 2° exercise an apostolic activity as a leaven in the world and of the world so that everything is inspired with evangelical spirit for the strengthening and increase of the Body of Christ; 3° do not imitate the manner of life of religious, but lead a life of communion among themselves according to their statutes;

4° clerics or lay persons, in respect to all canonical effects, remain each in their own state.

§2. Secular institutes are of pontifical, patriarchal or eparchial right, in accordance with can. 505, §2.

Canon 564 - The members of the secular institutes are subject to the Roman Pontiff as their supreme superior, whom they are obliged to obey also in virtue of the sacred bond of obedience.

Canon 565 - A member of a secular institute is enrolled as a cleric in virtue of diaconal ordination in the eparchy for whose service he was ordained, unless he is enrolled in the institute in virtue of a concession of the Apostolic See, or, if it is a secular institute of patriarchal right, of the patriarch.

Canon 566 - Regarding the erection and suppression of secular institutes, their statutes as well as their dependence on ecclesiastical authority cann. 414, 506, 507, §2, 509 and 510 on congregations shall be observed.

Canon 567 - §1. The secular institutes, their provinces and houses, lawfully erected, are by the law itself juridic persons, according to the norm of can. 423.

§2. The administration of goods is governed by cann. 424 and 425.

Canon 568 - §1. Regarding the admitting candidates, the statutes are to be observed with due regard for can. 450.

§2. A perpetually incorporated member of a secular institute is dismissed by a decree issued in accordance with the statutes; however the decree cannot be executed unless it is approved by the eparchial bishop or by the competent higher ecclesiastical authority; it is up to the same eparchial bishop or authority to also dissolve the sacred bond.

Canon 569 - It is reserved to the particular law of each Church sui iuris to enact more detailed norms concerning secular institutes.

Chapter IV. Other Forms of Consecrated Life and Socieites of Apostolic Life

Canon 570 - Particular law can establish other kinds of ascetics who imitate eremitical life, belonging or not to an institute of consecrated life. Consecrated virgins and widows who live on their own in the world, having publicly professed chastity, can also come under norms of particular law.

Canon 571 - It is reserved to the Apostolic See to approve new forms of consecrated life. Patriarchs and eparchial bishops shall strive to discover new gifts of consecrated life as entrusted to the Church by the Holy Spirit, and they shall support their promoters in order that they may better manifest their purpose, and shall protect them by appropriate statutes.

Canon 572 - Societies of apostolic life, whose members without religious vows pursue the particular apostolic purpose of the society, and leading a life as brothers in common according to their own rule of life, striving for the perfection of charity through the observance of their constitutions, and which are comparable to institutes of the consecrated life are governed only by the particular law of their own Church sui iuris or established by the Apostolic See.

TITLE XIII. ASSOCIATIONS OF THE CHRISTIAN FAITHFUL

Canon 573 - §1. Associations which are erected by competent ecclesiastical authority, or approved by the decree of the same authority, are juridic persons in the Church and are called public associations.

§2. Other associations, even if praised or recommended by ecclesiastical authority, are called private associations; these associations are not recognized in the Church, unless their statutes are reviewed by competent authority but otherwise they are regulated only by particular law with due regard for can. 577.

Canon 574 - With due regard in any case for can. 18, the competent ecclesiastical authority alone has the right to erect associations of the Christian faithful which set out to teach Christian doctrine in the name of the Church or to promote public worship or which aim at other ends whose pursuit by their nature is reserved to the same ecclesiastical authority.

Canon 575 - §1. The competent authority for erecting or approving associations of the Christian faithful is for associations and their confederations:

1° the eparchial bishop for eparchial associations, but not the administrator of the eparchy, excepting those associations whose erection has been reserved to others by apostolic or patriarchal privilege; 2° the patriarch after consultation with his permanent synod, or the metropolitan after consultation with the two eparchial bishops senior in episcopal ordination, for associations open to all the Christian faithful of any patriarchal or metropolitan Church sui iuris and which has its principal headquarters with the territorial boundaries of the same Church;

3° the Apostolic See for other types.

§2. For the erection of any branch of any non-eparchial association, the written consent of the eparchial bishop is required; however, the consent given by an eparchial bishop for the erection of a house of a religious

institute also allows for the erection in the same house or church attached to it, of an association proper to the institute.

Canon 576 - §1. Every association is to have its own statutes, in which are defined its name, purpose, headquarters, government and the conditions required for membership. Besides these things, the statutes are to determine its policies in accordance with the rite of their own Church sui iuris and the needs or usefulness of the place and time.

§2. The statutes and their modification require the approval of the ecclesiastical authority which erected or approved the association.

Canon 577 - §1. Every association is subject to the vigilance of the ecclesiastical authority which erected or approved it; this authority is to see that the integrity of faith and morals is preserved in them, and to watch lest abuse creep into ecclesiastical discipline.

§2. It is the duty of the eparchial bishop to be vigilant of all associations exercising activity in his territory, and as the case may be, to notify the authority which has erected or approved them, and further, if the action of the association causes serious harm to ecclesiastical doctrine or discipline, or is a scandal to the Christian faithful, to apply appropriate remedies in the meantime.

Canon 578 - §1. The reception of members is to be done in accordance with the norm of common law and the statutes of the association.

§2. The same person can be enrolled in several associations.

§3. Members of religious institutes can enroll in associations, according to the norm of typicon or statutes with the consent of their superior.

Canon 579 - No association of the Christian faithful can enroll its members as clerics without a special concession of the Apostolic See, or, if it is an association covered by can. 575, §1, n. 2, by the patriarch, with the consent of the permanent synod.

Canon 580 - One who has publicly rejected the Catholic faith, or has publicly abandoned communion with the Catholic Church, or has been punished with major excommunication, cannot validly be received into associations; but if he has already been lawfully enrolled, he should be declared dismissed by the local hierarch in virtue of the law itself.

Canon 581 - No one who has been legitimately enrolled may be dismissed from an association except for a just cause in accordance with the norm of common law and the statutes.

Canon 582 - A lawfully established and approved association administers temporal goods according to the norms of the cann. 1007-1054 and according to the norm of its own statutes, under the vigilance of the authority which erected or approved it, to whom the association must render an account of its administration each year.

Canon 583 - §1. Associations erected or approved by the Apostolic See can be only suppressed by the Apostolic See.

§2. The other associations, with due regard for can. 927, §2, and with due regard to the right of recourse, with suspensive effect, according to the norm of law, besides by the Apostolic See, can be suppressed: 1° by the patriarch with the consent of his permanent synod; or by the metropolitan who presides in a metropolitan Church sui iuris, with the consent of the two senior eparchial bishops according to episcopal ordination;

2° by an eparchial bishop, if the associations were erected or approved by him.

TITLE XIV. EVANGELIZATION OF NATIONS

Canon 584 - §1. The Church, following the mandate of Christ to evangelize all nations, and moved by the grace and charity of the Holy Spirit, recognizes herself to be totally missionary.

§2. The evangelization of the nations should be so done that, preserving the integrity of faith and morals, the Gospel can be expressed in the culture of individual peoples; namely, in catechetics, their own liturgical rites, in sacred art, in particular law, and, in short, the whole ecclesial life.

Canon 585 - §1. Each of the Churches sui iuris is to continually see that, through suitably prepared preachers sent by the competent authority according to the norms of the common law, the Gospel is preached in the whole world under the guidance of the Roman Pontiff.

§2. The synod of bishops of the patriarchal Church or the council of hierarchs is to establish a commission to foster a more effective cooperation among all the eparchies in the missionary activity of the Church.

§3. In the individual eparchies a priest is to be designated to effectively promote endeavors on behalf of the missions.

§4. The Christian faithful are to promote among themselves and others knowledge and love for the missions, to pray for them, to inspire vocations and support them generously with their own means.

Canon 586 - It is strictly forbidden to compel someone, to persuade him in an inappropriate way, or to allure him to join the Church; all the Christian faithful are to be concerned that the right to religious freedom is vindicated so that no one is driven away from the Church by adverse harassment.

Canon 587 - §1. Persons who desire to join the Church are to be admitted with liturgical ceremonies to the catechumenate, which is not a mere presentation of teachings and precepts, but a formation in all the Christian life and an apprenticeship duly lasting for sometime.

§2. Persons who are enrolled in the catechumenate have the right to be admitted to the liturgy of the word and other liturgical celebrations not reserved to the Christian faithful.

§3. It is the responsibility of the particular law to enact regulations by which the catechumenate is to be directed; these regulations are to determine what is to be expected from catechumens and what prerogatives are recognized as theirs.

Canon 588 - Catechumens are free to enroll in whatever Church sui iuris they want, according to the norm of can. 30; however, it has to be provided that nothing stands in the way of their enrollment in the Church that is more appropriate to their culture.

Canon 589 - Missionaries either native or non-native are to be equipped with the necessary skills and ability; they are to be suitably trained in missiology and missionary spirituality, as well as instructed in the history and culture of the peoples to be evangelized.

Canon 590 - In missionary activity attention must be paid that the young Churches reach maturity in due time and be fully established so that, under the guidance of their own hierarchy, they can provide for themselves, and assume and fulfill the work of evangelization.

Canon 591 - Missionaries are to zealously take steps that:

1° vocations to the sacred ministries are prudently promoted among the neophytes so that the young Churches abound before long in native clerics;

2° catechists are to be established so that, being valid cooperators of the sacred ministers, they can fittingly discharge their function in the work of evangelization and in liturgical activity; a just remuneration for the catechists is to be provided by particular law.

Canon 592 - §1. In missionary territories particular care has to be taken to promote forms of apostolate for the lay persons; to promote institutes of consecrated life through methods suited to their characteristics and culture;

to establish, according to the needs, schools and other institutions of Christian education and cultural progress.

§2. Likewise dialogue and cooperation with non-Christians is to be eagerly and prudently encouraged.

Canon 593 - §1. All the presbyters of whatever condition working in missionary territories and forming one presbyterate are to cooperate zealously in the work of evangelization.

§2. They are to freely cooperate according to can. 908 with all other Christian missionaries so that together witness is given to Christ the Lord.

Canon 594 - Missionary territories are those recognized as such by the Apostolic See.

TITLE XV. THE ECCLESIASTICAL MAGISTERIUM

Chapter I. The Teaching Function of the Church in General

Canon 595 - §1. The Church, to whom Christ the Lord entrusted the deposit of faith so that, assisted by the Holy Spirit, it might reverently safeguard revealed truth, more closely examine it and faithfully proclaim and expound it, has the innate duty and right to preach the gospel to all nations, independent of any human power whatever.

§2. To the Church belongs the right always and everywhere to announce moral principles, including those pertaining to the social order, and to make judgments on any human affairs to the extent that they are required by the fundamental rights of the human person or the salvation of souls.

Canon 596 - The office of teaching in the name of the Church belongs only to bishops; but that function is shared, according to the norm of law, both by those who have been made collaborators of the bishops by sacred orders and by those who, though not in sacred orders, have received the mandate to teach.

Canon 597 - §1. The Roman Pontiff, in virtue of his office, possesses infallible teaching authority if, as supreme pastor and teacher of all the Christian faithful who is to confirm his fellow believers in the faith, he proclaims with a definitive act that a doctrine of faith or morals is to be held.

§2. The college of bishops also possesses infallible teaching authority if the bishops, gathered in an ecumenical council, exercise their teaching authority, and, as teachers and judges of faith and morals for the universal Church, declare that a doctrine of faith or morals must be definitively held; they also exercise it scattered throughout the world but united in a bond of communion among themselves and with the successor of Peter when together with that same Roman Pontiff in their capacity as authentic teachers of faith and morals they agree on an opinion to be held as definitive.

§3. No doctrine is understood to be infallibly defined unless it is clearly established as such.

Canon 598 - All that is contained in the written word of God or in tradition, that is, in the one deposit of faith entrusted to the Church and also proposed as divinely revealed either by the solemn magisterium of the Church or by its ordinary and universal magisterium, must be believed with divine and catholic faith; it is manifested by the common adherence of the Christian faithful under the leadership of the sacred magisterium; therefore, all are bound to avoid any doctrines whatever which are contrary to these truths.

§2. Furthermore, each and every thing set forth definitively by the magisterium of the Church regarding teaching on faith and morals must be firmly accepted and held; namely, those things required for the holy keeping and faithful exposition of the deposit of faith; therefore, anyone who rejects propositions that are to be held definitively sets himself against the teaching of the Catholic Church.

Canon 599 - A religious obsequium of intellect and will, even if not the assent of faith, is to be paid to the teaching on faith or morals which the Roman Pontiff or the college of bishops enunciate when they exercise the authentic magisterium even if they do not intend to proclaim it with a definitive act; therefore the Christian faithful are to take care to avoid whatever is not in harmony with that teaching.

Canon 600 - Although they do not enjoy infallible teaching authority, the bishops who are in communion with the head and members of the college, whether as individuals or gathered in synods or in particular councils, are authentic teachers and instructors of the faith for the faithful entrusted to their care; the faithful must adhere to the authentic teaching of their own bishops with a religious obsequium of soul.

Canon 601 - Each Church has the task, which is to be accomplished in the first place by the patriarchs and the bishops in a manner adapted to each age and culture, of answering the perennial questions concerning the meaning of life and having examined the signs of the times in the light of the gospel, recommending Christian solutions to the more pressing problems, so that the light of Christ might shine everywhere more brightly illuminating all people.

Canon 602 - In pastoral care besides the principles of the theological sciences the contributions of other sciences also are to be recognized and utilized, so that the Christian faithful may be led to a more conscious and reflective life of faith.

Canon 603 - Literature and the arts, given their unique power of expressing and communicating the sense of faith, are to be promoted with appropriate freedom and cultural diversity.

Canon 604 - Pastors of the Church above all are to take earnest care that amidst the varieties of doctrinal enunciations in the various Churches or cultures the same sense of faith is preserved and promoted, so that the integrity and unity of faith suffer no harm, rather that the catholicity of the Church is put in a better light through legitimate diversity.

Canon 605 - It is the responsibility of bishops, particularly when gathered in synods or councils, and in a unique way of the Apostolic See to promote, preserve and conscientiously to defend the integrity and unity of faith and good morals, even disapproving, if need be, opinions that are contrary to them or warning about those things that can endanger them.

Canon 606 - §1. Theologians with their deeper understanding of the mystery of salvation and with their expertise in the sacred and related sciences as well as in current problems, have the role and duty, faithfully complying with the authentic magisterium of the Church, and, of equal importance, utilizing their freedom, to illumine the faith of the Church, to defend it and to contribute to doctrinal progress.

§2. In the investigation of theological truths and in giving expression to them they are to be concerned for the building up of the faith community and are to cooperate skillfully with the bishops in their teaching office.

§3. Those involved in theological studies in seminaries, universities and faculties of studies should strive to cooperate with those well versed in other fields of learning by sharing their insights and resources.

Chapter II. The Ministry of the Word of God

Canon 607 - The ministry of the word of God, namely preaching, catechesis and all forms of Christian instruction, among which the liturgical homily should hold pride of place, is to be vitally nourished by the Sacred Scripture and is to be based on sacred tradition; the celebration of the word of God is to be constantly fostered.

Canon 608 - Bishops, priests and deacons, each one according to the grade of his sacred order, have as their foremost duty the ministry of the word of God, which is to be exercised according to the norm of law; the other faithful, according to each one's aptitude, state of life and received mandate, are to take part willingly in this ministry.

Art. I. The Preaching of the Word of God

Canon 609 - The eparchial bishop is to supervise the preaching of the word of God in his territory, in keeping with common law.

Canon 610 - §1. Bishops have the right to preach the word of God everywhere, unless the eparchial bishop in a special case expressly forbids it.

§2. Priests have the faculty to preach where they are legitimately sent or invited.

§3. Deacons too have the same faculty, unless particular law has determined otherwise.

§4. In extraordinary circumstances, especially to supply for the scarcity of clerics, the eparchial bishop also may give the mandate to preach even in church to other Christian faithful, observing can. 614, §4.

Canon 611 - By virtue of their office, all who have been entrusted with the care of souls have the faculty to preach, and they can also invite to preach to those committed to their care any priest or, without prejudice to can. 610, §3, any deacon, unless these are legitimately prohibited.

Canon 612 - §1. In religious institutes or societies of common life in the manner of clerical religious of pontifical or patriarchal right, the major superiors are the moderators of preaching.

§2. All superiors, even local ones, of whatever institute of consecrated life, can invite to preach to their own subjects any priest or, without prejudice to can. 610, §3, any deacon, unless these are legitimately prohibited.

Canon 613 - Against the decree of a hierarch forbidding someone to preach there is recourse in devolutivo only, which must be resolved without delay.

Canon 614 - §1. The homily, in which during the course of the liturgical year the mysteries of faith and the norms of Christian living are expounded from Sacred Scripture, is strongly recommended as part of the liturgy itself.

§2. Parish priests and rectors of churches have the obligation to take care that a homily is given at least during the Divine Liturgy on Sundays and feast days and that it is only omitted for a grave reason.

§3. A pastor cannot habitually hand over to another his obligation of preaching to the people committed to his pastoral care except for a just reason approved by the local hierarch.

§4. The homily is reserved to a priest or, according to norm of particular law, also to a deacon.

Canon 615 - Eparchial bishops are to issue norms so that special series of sacred preaching are held at suitable times for the spiritual renewal of the Christian people Canon 616 - §1. The preachers of the word of God should set aside words of human wisdom and abstruse themes and preach to the Christian faithful the entire mystery of Christ, who is the way, the truth and the life; let them show that earthly things and human institutions are also ordered, according to the plan of God the Creator, to the salvation of humanity, and that they can therefore make no small contribution to the building up of the Body of Christ.

§2. Let them teach also the doctrine of the Church about the dignity of the human person and fundamental human rights, about family life, social and

civil life, the sense of justice to be pursued in the world of work and of economics, a sense which can make for the building of peace on earth and bring about the progress of peoples.

Art. II. Catechetical Formation

Canon 617 - Each Church sui iuris and particularly their bishops have the serious duty of providing catechesis, by which faith matures and the disciple of Christ is formed through a deeper and more systematic knowledge of the teaching of Christ and through an increasingly stronger commitment to the person of Christ.

Canon 618 - Parents first of all are obliged to form their children in the faith and practice of the Christian life by word and example; godparents and those who take the place of parents are bound by an equivalent obligation.

Canon 619 - Besides the Christian family, the parish itself and every ecclesial community have to ensure the catechetical formation of their members and their integration in the same community, by assuring those conditions in which what they learn can be lived to the full.

Canon 620 - Associations and movements and groups of the Christian faithful, which pursue the practice of piety or direct the apostolate or charitable works and assistance, are to ensure the religious formation of their members under the guidance of the local hierarch.

Canon 621 - §1. The synod of bishops of the patriarchal Church or the council of hierarchs is competent to issue norms on catechetical formation, arranged in a catechetical directory, within the territorial boundaries of their own Church; they are to observe those things prescribed by the supreme authority of the Church.

§2. In this directory the special character of the Eastern Churches is to be taken into account, so that the biblical and liturgical emphasis as well as the traditions of each Church sui iuris in patrology, hagiography, and even iconography are highlighted in conveying the catechesis.

§3. Synods of bishops of the patriarchal Church or councils of hierarchs are to see to it that catechisms suited to various groups of faithful are prepared along with corresponding aids and means, and that the different catechetical initiatives are promoted and harmonized among themselves.

Canon 622 - §1. In each Church sui iuris there is to be a catechetical commission, which may be established together with the other Churches sui iuris for the same territory or socio-cultural region.

§2. This commission is to avail itself of a catechetical center, which is to be of service to the same Churches in accomplishing their catechetical tasks in a coordinated and more efficacious way and to assure the formation, including the ongoing formation, of catechists.

Canon 623 - §1. It is the responsibility of the eparchial bishops to promote, direct, and moderate the catechetical formation in their eparchies with the utmost vigilance.

§2. For this purpose the eparchial curia is to have an eparchial catechetical center.

Canon 624 - §1. The pastor should, keeping to the norms determined by competent authority, make the utmost effort to give catechesis to all persons entrusted to his pastoral care, whatever their age or condition.

§2. Presbyters and deacons attached to the parish are bound to render their assistance to the pastors; members of religious institutes, however, are to assist in accordance with cann. 479 and 542.

§3. Other Christian faithful, properly formed, are to willingly contribute their assistance in giving catechesis.

Canon 625 - For ecumenical reasons catechesis should present the correct image of other Churches and ecclesial communities; however, great care is to be taken that the proper nature of Catholic catechesis is safeguarded.

Canon 626 - Let all who are engaged in catechesis remember that they represent the Church, and that they have been sent to communicate the

revealed word of God, not their own; they are therefore to present the entire doctrine of the Church, albeit adapted to those they are catechizing and responsive to the demands of their culture.

Chapter III. Catholic Education

Canon 627 - §1. The responsibility for the education of children belongs primarily to their parents or to those who take their place. Therefore it is for them to educate their children, especially in piety toward God and love of neighbor, in the context of a Christian family that is illumined by faith and animated by mutual love.

§2. Insofar as it is beyond their own resources to provide for the overall education of their children, it is also up to them to entrust others with a share of their educational task and to choose those means of education that are necessary or useful.

§3. Parents are to enjoy true freedom in the choice of the means of education, without prejudice to can.

633; therefore the Christian faithful are to see that this right is recognized by the civil society and even fostered by suitable assistance in accordance with the requirements of justice.

Canon 628 - §1. The Church, which has generated new creatures through baptism, has the duty to care for their Catholic education together with parents.

§2. All those who are entrusted with the care of souls must help parents in educating their children, make them aware of their rights and obligations and provide for the religious education especially of young people.

Canon 629 - All educators are to pay heed to the formation of the whole human person in such a way that young people, having developed their physical, intellectual, and moral talents harmoniously, and well versed in the Christian virtues, may be disposed to knowing and loving God more perfectly, to evaluating human and moral values with right conscience and accepting them in true freedom, and, having developed a sense of justice and social responsibility, to pursuing loving fellowship with others.

Canon 630 - §1. The Christian faithful are to work generously so that the appropriate benefits of education and instruction can be extended to all people everywhere, with special concern for the less fortunate.

§2. All the Christian faithful should support the initiatives of the Church in promoting education, especially in erecting, conducting and maintaining schools.

Art. I. Schools, Especially Catholic Schools

Canon 631 - §1. Among the various means of education the Catholic school is to be fostered with special care, and it should be the focus of the concern of the parents, of the teachers, and of the ecclesial community.

§2. It is the right of the Church to establish and supervise schools of any type or level.

Canon 632 - A school is not considered Catholic in law unless it was established as such by the eparchial bishop or by a superior ecclesiastical authority or has been recognized as such by them.

Canon 633 - §1. The eparchial bishop has the right to judge any school whatever and to decide whether it fulfills the requirements of Christian education or not; he has also the right to forbid the Christian faithful, for a grave reason, to attend a particular school.

§2. Parents should send their children to Catholic schools, other things being equal.

Canon 634 - §1. The Catholic school has a particular obligation to create an atmosphere animated by the Gospel spirit of freedom and love in the school community, to help the young in the development of their own personality in such a way that at one and the same time they grow in accordance with that new creature into which they have been transformed through baptism, and it should so orient the whole of human culture to the message of salvation that the knowledge which the students gradually acquire of the world, of life and of humankind is illumined by faith.

§2. It is up to the Catholic school to adapt these things to the particular circumstances under the supervision of the competent ecclesiastical authority, if for the most part its pupils are non-Catholics.

§3. A Catholic school, no less than other schools, must pursue the human and social formation of the young people.

Canon 635 - The eparchial bishop is to see to it that Catholic schools are established especially in those places where other schools are lacking or are inadequate; so too professional and technical schools as required especially by particular circumstances of place and time.

Canon 636 - §1. Catechetical formation in any school whatever is subject to the authority and vigilance of the eparchial bishop.

§2. It is also his responsibility to name or approve the teachers of Catholic religion as well as to remove them or demand their removal, if necessary for reasons of faith or morals.

Canon 637 - In those schools in which Catholic instruction is lacking or, in the judgment of the eparchial bishop, is deficient, true Catholic formation must be supplied for all the Catholic students.

Canon 638 - §1. The eparchial bishop has the right of visiting all the Catholic schools in his eparchy, excepting those schools meant exclusively for the students of institutes of consecrated life that are of pontifical or patriarchal right, and in any case without prejudice to the autonomy of those institutes of consecrated life as regards the management of their schools.

§2. Where there are several eparchial bishops, the right of canonical visitation belongs to the one who founded or approved the school, unless it is stipulated otherwise in the statutes of foundation or in a special agreement made by the same bishops.

Canon 639 - As it depends chiefly on the teachers whether a Catholic school achieves its purpose and realizes its undertakings, they should be outstanding in doctrine and exemplary in the witness of their lives; and they

are to work in close collaboration chiefly with the parents but also with other schools.

Art. II. Catholic Universities

Canon 640 - §1. The Catholic university aims at making the Christian view-point present by promoting a deeper study of all cultures in a public, stable and universal manner; therefore it consists of education of a higher order, research, reflection and teaching, in which the various areas of human knowledge are illumined by the light of the gospel.

§2. Other institutes of higher education or autonomous Catholic faculties having the same object are equivalent to Catholic universities, however ecclesiastical universities and faculties dealt with in cann.

646-650, are not.

Canon 641 - In Catholic universities each field of study is to be cultivated according to its own principles, its own method and the freedom of scientific inquiry that is proper to it, so that as time goes on a deeper understanding of these disciplines may be obtained, and by paying careful attention to contemporary problems and research the convergence of faith and reason in the one truth may be seen more clearly, and that persons outstanding in doctrine may be formed who are ready to fill the more responsible posts in society and to bear witness to their faith in the world.

Canon 642 - §1. A Catholic university is an institute of higher studies which is erected as such or is approved either by the higher administrative authority of a Church sui iuris after previous consultation of the Apostolic See or by the Apostolic See itself; such erection or approval must be by public document.

§2. Within the territorial boundaries of a patriarchal Church this higher authority is the patriarch with the consent of the synod of bishops of the patriarchal Church.

Canon 643 - In Catholic universities in which there is no faculty of theology, at least courses are to be given in theology adapted to the students

of the various faculties.

Canon 644 - Those who teach subjects regarding faith and morals in Catholic universities must possess a mandate of the ecclesiastical authority designated by those mentioned in can. 642; the same authority can remove this mandate for a serious reason especially if the teachers lack scientific or pedagogical suitability, probity, or integrity of doctrine.

Canon 645 - It is the responsibility of hierarchs to provide, after due consultation, for hostels and Catholic university centers for other universities; there carefully chosen and prepared Christian faithful can offer spiritual and intellectual help to young university students on a permanent basis.

Art. III. Ecclesiastical Universities and Faculties

Canon 646 - Hierarchs above all are to promote ecclesiastical universities and faculties, that is, those which deal chiefly with Christian revelation and sciences connected with it and so are closely linked with the Church's task of evangelization.

Canon 647 - The aim of ecclesiastical universities and faculties is: 1° to inquire more deeply and scientifically into divine revelation and all that is related to it, to analyze and to structure systematically the truths of divine revelation, to study contemporary problems in its light, and to present these matters to the people of today in a way that is suited to their culture; 2° to give higher education to students of various disciplines according to Catholic doctrine and to prepare them properly for various apostolates or ministries or for teaching the same disciplines, and to promote ongoing formation.

Canon 648 - Ecclesiastical universities and faculties are those that have been canonically erected or approved by competent ecclesiastical authority, cultivate and teach the sacred sciences and related subjects, and have the right to confer academic degrees with Canonical effects.

Canon 649 - The establishment of ecclesiastical universities and faculties is done by the Apostolic See or by the superior administrative authority, as in

can. 642, together with the Apostolic See.

Canon 650 - Regarding the statutes of the ecclesiastical universities and faculties, especially as regards the governance, administration, appointment and removal of teachers from office, program of studies, and conferral of academic degrees, the norms given by the Apostolic See are to be followed.

Chapter IV. Instruments of Social Communication and Specifically Books

Canon 651 - §1. In the fulfillment of its task of announcing the Gospel everywhere the Church has to use apt means, and therefore it is necessary to vindicate the right everywhere to the use of the means of social communication and in particular to publish freely written materials.

§2. All the Christian faithful for their part collaborate in this great mission of the Church, and support and foster the initiatives of this apostolate; moreover, let those especially who are experts in the production and the transmission of communications offer their caring help to the pastoral action of the bishops, and earnestly endeavor to imbue the use of the media with the spirit of Christ.

Canon 652 - §1. Eparchial bishops are to see that with the help of institutes of social communication the Christian faithful are taught to use the media critically and advantageously; they are to foster cooperation among such institutes, see to the formation of experts, and finally, promote good initiatives, praising and blessing in the first place good books, a policy that is more efficacious than the censure and condemnation of evil.

§2. For the safeguarding of the integrity of faith and morals, the eparchial bishop, the synod of bishops of the patriarchal Church, the council of hierarchs, and the Apostolic See are competent to forbid the Christian faithful to use or to pass on to others means of social communication, to the extent that these are detrimental to that same integrity.

Canon 653 - It is for the particular law to lay down more detailed norms about the use of radio, cinema, television and the like dealing with Catholic doctrine or morals.

Canon 654 - The norms of common law on books apply also to any other writings whatever or messages reproduced by any technical means and intended for public distribution.

Canon 655 - §1. The Christian faithful ought to have easy access to Sacred Scriptures. Therefore suitable and correct translations, furnished with sufficient explanations, are to be prepared, where they are lacking under the care of the eparchial bishops, even in collaboration with other Christians, as far as this can be done properly and usefully.

§2. Let all the Christian faithful, especially the pastors of souls, be concerned to spread copies of the bible, furnished with apt notes suited also for the use of non-Christians.

§3. For liturgical and catechetical purposes only editions of the Sacred Scripture with ecclesiastical approval may be used; other editions must have at least ecclesiastical permission.

Canon 656 - §1. Only books with ecclesiastical approval may be used in liturgical celebrations.

§2. Books of prayers or devotions, intended for either the public or the private use of the Christian faithful, are to have ecclesiastical permission.

Canon 657 - §1. The approval of liturgical texts, after prior review of the Apostolic See, is reserved in patriarchal Churches to the patriarch with the consent of the synod of bishops of the patriarchal Church, in metropolitan Churches sui iuris to the metropolitan with the consent of the council of hierarchs; in other Churches this right rests exclusively with the Apostolic See, and, within the limits set by it, to bishops and to their legitimately constituted assemblies.

§2. The same authorities are also competent to approve the translations of these books meant for liturgical use, after sending a report to the Apostolic See in the case of patriarchal Churches and metropolitan Churches sui iuris.

§3. To republish liturgical books or their translations intended even in part for liturgical use, it is required and suffices to establish their correspondence with the approved edition by an attestation of the hierarch referred to in can. 662, §1.

§4. In making changes in liturgical texts, attention is to be paid to can. 40, §1.

Canon 658 - §1. Catechisms and other writings intended for catechetical instruction in schools of whatever kind and grade, and their translations, need ecclesiastical approval.

§2. The same norm is to be applied also to other books dealing with faith and morals, if they are used as textbooks for catechetical instruction.

Canon 659 - It is recommended that all writings whatever which explain the faith or morals of the Church have at least ecclesiastical permission, without prejudice to the prescriptions of institutes of consecrated life, which require more.

Canon 660 - Unless there is a just and reasonable cause, no member of the Christian faithful may write in newspapers, magazines or periodicals which are accustomed to attack openly the Catholic religion or good morals; clerics and members of religious institutes moreover need the permission of those spoken of in can. 662.

Canon 661 - §1. Ecclesiastical permission, expressed only with the word imprimatur, means that the work is free from errors regarding Catholic faith and morals.

§2. Approval granted by competent authority shows that the text is accepted by the Church or that the work is in accordance with the authentic doctrine of the Church.

§3. A work that is in addition praised or blessed by the eparchial bishop or a superior authority means that it expresses well the authentic doctrine of the Church and therefore is to be recommended.

Canon 662 - §1. Ecclesiastical approval or permission to publish books may be granted, unless expressly stated otherwise in the law, either by the author's own local hierarch or by the hierarch of the place of publication, or finally by a superior authority having executive power over these persons or places.

§2. In order to publish writings dealing with religious and moral topics, members of religious institutes need also the permission of their major superior, according to the norm of their typicon or statutes.

Canon 663 - §1. Permission to publish a work or its approval, praise, or blessing is valid only for the original text, but not for new editions or translations.

§2. In case of editions of the Sacred Scriptures or other books requiring ecclesiastical approval by law, the approval legitimately granted by one hierarch is not enough for its use in another eparchy, but the explicit consent of the hierarch of that eparchy is required.

Canon 664 - §1. The local hierarch may abide by the judgment about books given by censors selected from the list drawn up by the synod of bishops of the patriarchal Church, or the council of hierarchs, or he may rely on others, according to his discretion; also a special commission of censors may be set up for the local hierarch, the synod of bishops of the patriarchal Church, or the council of hierarchs to consult.

§2. The censors selected are to be outstanding for their knowledge, right doctrine and prudence; in carrying out their office they are to give their judgment without any partiality but in accordance with Catholic doctrine as proposed by the Church's authentic magisterium.

§3. The censors must give their opinion in writing; if it is favorable, the hierarch may grant permission or approval, according to his discretion, expressly in his own name; otherwise he must inform the author of the reasons for the refusal.

Canon 665 - §1. Pastors and rectors of churches are to be watchful that in their churches are not displayed, sold or distributed either icons or images that are not in keeping with genuine sacred art or books that are not in harmony with the Christian religion or morals.

§2. So also pastors and rectors of churches and directors of Catholic schools have to take care that shows of whatever type conducted under their sponsorship are selected with the sense of Christian discretion.

§3. Let all the Christian faithful be careful not to bring spiritual harm upon themselves or others by buying, selling, reading, or passing on to others those things mentioned in 1.

Canon 666 - §1. The fruit of an author's intellectual efforts is under the protection of the law whether as the expression of the author's personality or as the source of patrimonial rights.

§2. Under the protection of law are the texts of laws and the official acts of whatever ecclesiastical authority and of their authentic collections; and therefore they may not be republished without obtaining the permission of the same or superior authority, and observing the conditions laid down by it.

§3. More detailed norms about this matter may be issued in the particular law of each Church sui iuris, in accordance with the civil laws concerning the rights of authors.

TITLE XVI. DIVINE WORSHIP AND ESPECIALLY THE SACRAMENTS

Canon 667 - Through the sacraments, which the Church is bound to dispense so that the mystery of Christ is communicated under a visible sign, our Lord Jesus Christ sanctifies people by the power of the Holy Spirit, so that they become in a unique way true worshipers of God the Father and by which they are inserted into the Church, His Body; therefore all Christian faithful, especially sacred ministers, are to observe diligently the prescriptions of the Church in conscientiously celebrating and receiving the sacraments.

Canon 668 - §1. Divine worship, if it is done in the name of the Church by a person legitimately appointed for this and through an act approved by the authority of the Church, is called public; if not, it is called private.

§2. For the regulation of divine public worship the competent authority is the one mentioned in can. 657, with due regard for can. 199, §1; no other person can add to, remove, or modify that which was established by this authority.

Canon 669 - Since the sacraments are the same for the entire Church and belong to the divine deposit, it is for the supreme authority of the Church alone to approve or define those things which are required for their validity.

Canon 670 - §1. For a just cause Catholics can attend the liturgical worship of other Christians and take part in the same, observing those things which, by reason of the degree of communion with the Catholic Church, are established by the eparchial bishop or by a superior authority.

§2. If non-Catholic Christians lack a place in which divine worship can be celebrated with dignity, the eparchial bishop can grant the use of a Catholic building or cemetery or church according to the norm of particular law of his own Church sui iuris.

Canon 671 - §1. Catholic ministers licitly administer the sacraments only to Catholic Christian faithful, who, likewise, licitly receive the sacraments

only from Catholic ministers.

§2. If necessity requires it or genuine spiritual advantage suggests it and provided that the danger of error or indifferentism is avoided, it is permitted for Catholic Christian faithful, for whom it is physically or morally impossible to approach a Catholic minister, to receive the sacraments of penance, the Eucharist and anointing of the sick from non-Catholic ministers, in whose Churches these sacraments are valid.

§3. Likewise Catholic ministers licitly administer the sacraments of penance, the Eucharist and anointing of the sick to Christian faithful of Eastern Churches, who do not have full communion with the Catholic Church, if they ask for them on their own and are properly disposed. This holds also for the Christian faithful of other Churches, who according to the judgment of the Apostolic See, are in the same condition as the Eastern Churches as far as the sacraments are concerned.

§4. If there is a danger of death or another matter of serious necessity in the judgment of the eparchial bishop, the synod of bishops of the patriarchal Church or the council of hierarchs, Catholic ministers licitly administer the same sacraments also to other Christians not having full communion with the Catholic Church, who cannot approach the ministers of their own ecclesial communities and who request them on their own, provided they manifest a faith consonant with that of the Catholic Church concerning these sacraments and are rightly disposed.

§5. For the cases in §§2, 3 and 4, norms of particular law are to be enacted only after consultation with at least the local competent authority of the non-Catholic Church or ecclesial community concerned.

Canon 672 - §1. The sacraments of baptism, chrismation with holy myron and sacred ordination cannot be repeated.

§2. If a prudent doubt exists as to whether they have been truly or validly celebrated, and the doubt remains after a serious investigation, they are to be administered conditionally.

Canon 673 - The celebration of the sacraments, above all the Divine Liturgy, as an action of the Church, inasmuch as it is possible, should be done with active participation of the Christian faithful.

Canon 674 - §1. In celebrating the sacraments that which is contained in the liturgical books is to be observed accurately.

§2. The minister should celebrate the sacraments according to the liturgical prescriptions of his own Church sui iuris, unless the law establishes otherwise or he himself has obtained a special faculty from the Apostolic See.

Chapter I. Baptism

Canon 675 - §1. In baptism a person through washing with natural water with the invocation of the name of God the Father, Son and Holy Spirit, is freed from sin, reborn to new life, puts on Christ and is incorporated in the Church which is His Body.

§2. Only by the actual reception of baptism is a person made capable for the other sacraments.

Canon 676 - In a case of urgent necessity, baptism can be licitly administered by doing only those things which are necessary for validity.

Canon 677 - §1. Baptism is administered ordinarily by a priest; but, with due regard for particular law, the proper pastor of the person to be baptized, or another priest with the permission of the same pastor or the local hierarch, is competent for its administration, which permission, for a serious reason is lawfully presumed.

§2. In case of necessity, baptism can be administered by a deacon or, in his absence or if he is impeded, by another cleric, a member of an institute of consecrated life, or by any other Christian faithful; even by the mother or father, if another person is not available who knows how to baptize.

Canon 678 - §1. In the territory of another it is not licit for anyone to administer baptism without the required permission; this permission cannot be denied by a pastor of a different Church sui iuris to a priest of a Church sui iuris in which the person to be baptized is to be enrolled.

§2. In places where there are not a few Christian faithful lacking a pastor of the Church sui iuris in which they are enrolled, the eparchial bishop should designate a priest of that Church, if it is possible, who should administer baptism.

Canon 679 - Every person not yet baptized and only such a person is capable of receiving baptism.

Canon 680 - An aborted fetus, if it is alive and if it can be done, should be baptized.

Canon 681 - §1. For an infant to be licitly baptized it is necessary that: 1° there is a founded hope that the infant will be educated in the Catholic Church, with due regard for 5; 2° the parents, or at least one of them, or the person who lawfully takes their place, consent.

§2. An abandoned infant or a foundling, unless his baptism is certainly established, should be baptized.

§3. Those who lack the use of reason from infancy are to be baptized as infants.

§4. An infant either of Catholic parents or even of non-Catholics, who is in a critical situation wherein death is prudently foreseen before he or she reaches the use of reason, is licitly baptized.

§5. The infant of non-Catholic Christians is licitly baptized, if the parents, or one of them or the one who legitimately takes their place, request it and if it is physically or morally impossible to approach their own minister.

Canon 682 - §1. For a person who is no longer an infant to be baptized, it is required that he or she manifest a desire to receive baptism and be sufficiently instructed in the truths of the faith and be tested in the Christian life; the adult is to be exhorted to have sorrow for personal sins.

§2. A person who is no longer an infant and who is in danger of death can be baptized, if he or she has an understanding of the principal truths of the faith and in any way manifests the intention of receiving baptism.

Canon 683 - Baptism must be be celebrated according the liturgical prescriptions of the Church sui iuris in which according to the norm of law the person to be baptized is to be enrolled.

Canon 684 - §1. According to the most ancient tradition of the Churches the person who is to be baptized should have at least one sponsor.

§2. In fulfilling the function of a sponsor, the sponsor is to assist in the Christian initiation for a person who is no longer an infant; or to present the infant to be baptized and to help the baptized person lead a Christian life in harmony with baptism and to fulfill faithfully the obligations connected with it.

Canon 685 - §1. For a person to fulfill validly the role of a sponsor it is necessary that he or she: 1° be initiated with the three sacraments of baptism, chrismation with holy myron and the Eucharist; 2° belong to the Catholic Church, with due regard for 3;

3° have the intention of carrying out the responsibility of sponsor; 4° be designated by the person to be baptized or the parents or guardians, or, if there are not any, by the minister;

5° not be a father, mother or spouse of the person to be baptized; 6° not be bound by excommunication, even a minor one, suspension, deposition or deprived of the right of acting in the function of a sponsor.

§2. To assume licitly the role of sponsor, in addition to what is required, the sponsor should be of the age required by particular law and lead a life in harmony with the faith and the role to be undertaken.

§3. For a just cause, it is permitted to admit the Christian faithful of another Eastern non-Catholic Church to the function of a sponsor, but always at the same time with a Catholic sponsor.

Canon 686 - §1. Parents are held to the obligation that the infant be baptized as soon as possible according to legitimate custom.

§2. The pastor is to see that the parents of the infant to be baptized and those who are given the function of sponsor, be instructed as to the meaning of this sacrament and the obligations connected with it and that they are prepared for an appropriate celebration of the sacrament.

Canon 687 - §1. Outside of a case of necessity, baptism is to be celebrated in a parish church with due regard for legitimate customs.

§2. Baptism can be administered in private homes according to the prescriptions of particular law or with the permission of the local hierarch.

Canon 688 - The person who administers the baptism is to see to it that, unless there is a sponsor, there be at least one witness, by whom the celebration of the baptism can be proven.

Canon 689 - §1. The pastor of the place where the baptism is celebrated, must record carefully and without delay in the baptismal register, the names of those baptized, the minister, parents, sponsors, and also the witnesses, if there are any, the place and date of the baptism, together with the place of birth and also the Church sui iuris in which the baptized persons are to be enrolled.

§2. If it is a case of a child born of an unwed mother, the name of the mother is to be indicated if her maternity is publicly established or if she requests it on her own in writing or before two witnesses; likewise the name of the father is to be indicated if his paternity is proven with some public document or by his own declaration made before the pastor and two witnesses; in other cases the name of the baptized is to be recorded with no indication made of the name of the father or parents.

§3. If it is a case of an adopted child, the names of the adoptive parents are recorded, and at least if it is done in the civil records of the region, the names of the natural parents, according to the norms of 1 and 2and with due regard for particular law.

Canon 690 - If the baptism was administered neither by the pastor nor in his presence, the minister must notify the pastor of the place.

Canon 691 - In order to prove a baptism, if it is not prejudicial to anyone, the declaration of a single witness who is above all suspicion suffices or a declaration of the baptized person founded on undoubted arguments, especially if the person received baptism when no longer an infant.

Chapter II. Chrismation with Holy Myron

Canon 692 - It is necessary that those who are baptized be chrismated with holy myron, that by a seal they be signed with the gift of the Holy Spirit and be made more proper witnesses and co-builders in the Kingdom of Christ.

Canon 693 - Holy myron, which is made from the oil of olives or other plants and from aromatics, is confected only by a bishop, with due regard for particular law which reserves this power to the patriarch.

Canon 694 - According to the tradition of the Eastern Churches, chrismation with holy myron is administered by a presbyter either in conjunction with baptism or separately.

Canon 695 - §1. Chrismation with holy myron must be administered in conjunction with baptism, except in a case of true necessity, in which case, however, it is to be seen that it is administered as soon as possible.

§2. If the celebration of chrismation with holy myron is not done together with baptism, the minister is obliged to notify the pastor of the place where the baptism was administered.

Canon 696 - §1. All presbyters of the Eastern Churches can validly administer this sacrament either along with baptism or separately to all the Christian faithful of any Church sui iuris including the Latin Church.

§2. The Christian faithful of Eastern Churches validly receive this sacrament also from presbyters of the Latin Church, according to the faculties with which these are endowed.

§3. Any presbyter licitly administers this sacrament only to the Christian faithful of his own Church sui iuris; when it is a case of Christian faithful of other Churches sui iuris, he lawfully acts if they are his subjects, or those whom he lawfully baptizes in virtue of another title, or those who are in danger of death, and always with due regard for the agreements entered between the Churches sui iuris in this matter.

Canon 697 - Sacramental initiation in the mystery of salvation is perfected in the reception of the Divine Eucharist, and thus the Divine Eucharist is administered after baptism and chrismation with holy myron as soon as possible according to the norms of the particular law of the each Church sui iuris.

Chapter III. Divine Eucharist

Canon 698 - In the Divine Liturgy through the ministry of the priest acting in the person of Christ over the offering of the Church, there is perpetuated in virtue of the Holy Spirit, that which the Lord Jesus himself did at the Last Supper, who gave to the disciples His body on the Cross offered for us and his Blood poured out for us, establishing the true and mystical sacrifice, by which the bloody sacrifice of the Cross is commemorated with the action of grace, is actuated and shared by the Church both as an offering and as a communion to signify and perfect the unity of the people of God in the building up of His Body which is the Church.

Canon 699 - §1. Only bishops and presbyters have the power of celebrating the Divine Liturgy.

§2. Deacons have their part in the celebration of the Divine Liturgy with bishops and presbyters according to the prescriptions of the liturgical books.

§3. Other Christian faithful, by virtue of baptism and chrismation with holy myron, assembled in the celebration of the Divine Liturgy, participate actively in the Sacrifice of Christ in the manner determined by the liturgical books or particular law, and do so more fully if they consume the Body and Blood of Christ from the same Sacrifice.

Canon 700 - §1. With regard to the manner of celebrating the Divine Liturgy, whether it should be done individually or in concelebration, attention should be given above all to the pastoral needs of the Christian faithful.

§2. If it is possible, presbyters should celebrate the Divine Liturgy united with the bishop as president or with another presbyter, who acts as the principal celebrant, since in such a way the unity of the priesthood and sacrifice will be suitably manifested; each priest retains the right to celebrate the Divine Liturgy individually, not, however, at the same time in which a concelebration is taking place in the same church.

Canon 701 - A concelebration between bishops and presbyters of different Churches sui iuris for a just cause, especially that of fostering charity, and for the sake of manifesting unity between the Churches, can be done with the permission of the eparchial bishop, while observing all the prescriptions of the liturgical books of the principal celebrant, having removed any liturgical syncretism and wearing the appropriate vestments and insignia of his own Church sui iuris.

Canon 702 - Catholic priests are forbidden to concelebrate the Divine Liturgy with non-Catholic priests or ministers.

Canon 703 - §1. A priest who is unknown is not admitted to celebrate the Divine Liturgy, unless he shows the rector of the church letters of recommendation from his own hierarch or in another way sufficiently establishes his integrity for the rector.

§2. The eparchial bishop is free to make more specific norms concerning this matter which are to be observed by all priests, even those who are exempt in any way.

Canon 704 - The Divine Liturgy can be praiseworthily celebrated on any day except those which are excluded according to the prescriptions of the liturgical books of the Church sui iuris in which the priest is enrolled.

Canon 705 - §1. A Catholic priest can celebrate the Divine Liturgy on the altar of any Catholic church.

§2. In order for a priest to be able to celebrate the Divine Liturgy in a non-Catholic church, he needs the permission of the local hierarch.

Canon 706 - In the Divine Liturgy the sacred gifts which are offered are bread made of wheat alone and recently made so that there is no danger of corruption and natural wine of the grape and not corrupt.

Canon 707 - §1. The preparation of the Eucharistic bread, the prayers performed by the priests before the Divine Liturgy, the observance of the Eucharistic fast, liturgical vestments, the time and place of the celebration

and other like matters must be precisely established by the norms of each Church sui iuris.

§2. For a just cause and having removed any astonishment on the part of the Christian faithful, it is permissible to use the liturgical vestments and bread of another Church sui iuris.

Canon 708 - The local hierarchs and the pastors are to see that with every diligence the Christian faithful are instructed concerning the obligation of receiving the Divine Eucharist in danger of death and also at those times which are established by a most praiseworthy custom or by particular law of their own Church sui iuris, especially at Easter time, during which Christ handed down the eucharistic mystery.

Canon 709 - §1. The priest distributes the Divine Eucharist or if the particular law of his own Church sui iuris establishes it, also the deacon.

§2. The synod of bishops of the patriarchal Church or the council of hierarchs is free to establish appropriate norms, according to which other Christian faithful can distribute the Divine Eucharist.

Canon 710 - With respect to the participation of infants in the Divine Eucharist after baptism and chrismation with holy myron, the prescriptions of the liturgical books of each Church sui iuris are to be observed with the suitable due precautions.

Canon 711 - A person who is conscious of serious sin is not to celebrate the Divine Liturgy nor receive the Divine Eucharist unless a serious reason is present and there is no opportunity of receiving the sacrament of penance; in this case the person should make an act of perfect condition, including the intention of confessing as soon as possible.

Canon 712 - Those who are publicly unworthy are forbidden from receiving the Divine Eucharist.

Canon 713 - §1. The Divine Eucharist is to be distributed in the celebration of the Divine Liturgy, unless a just cause suggests otherwise.

§2. Concerning the preparation for participation in the Divine Eucharist through fast, prayers and other works, the Christian faithful are to observe faithfully the norms of the Church sui iuris in which they are enrolled, not only within the territorial boundaries of the same Church, but, inasmuch as it is possible, everywhere.

Canon 714 - §1. In churches where public divine worship and, at least several times in a month, the Divine Liturgy is celebrated, the Divine Eucharistic is to be reserved especially for the sick, and also is to be adored with the greatest reverence by the Christian faithful, with due regard for the faithful observance of the prescriptions of the liturgical books of each Church sui iuris.

§2. The reservation of the Divine Eucharist is under the vigilance and moderation of the local hierarch.

Canon 715 - §1. It is permissible for the priests to receive offerings for the celebration of the Divine Liturgy for the intentions which the Christian faithful make according to the approved custom of the Church.

§2. It is also permissible, if it is thus established by lawful custom, to receive offerings for the Liturgy of the Presanctified and for commemorations in the Divine Liturgy.

Canon 716 - With due regard for can. 1013, it is strongly recommended that eparchial bishops introduce the practice, inasmuch as it is possible, according to which only those offerings are received on the occasion of the Divine Liturgy which the Christian faithful make on their own; individual priests should also freely celebrate the Divine Liturgy without any offering for the intentions of the Christian faithful, especially the needy.

Canon 717 - If they accept offerings for the Divine Liturgy from the Christian faithful of another Church sui iuris, priests are bound by the grave obligation of observing the norms of that Church, unless it is established otherwise by the donor.

Chapter IV. Sacrament of Penance

Canon 718 - In the sacrament of penance, the Christian faithful who committed sins after baptism, internally led by the Holy Spirit, turn back to God, moved by the pain of sin, intent on entering a new life through the ministry of the priest, having themselves made a confession and accepted an appropriate penance, obtain forgiveness from God and at the same time are reconciled with the Church which they injured by sinning; by this sacrament they are brought to a greater fostering of the Christian life and are thus disposed for receiving the Divine Eucharist.

Canon 719 - Anyone who is aware of serious sin is to receive the sacrament of penance as soon as possible; it is strongly recommended to all the Christian faithful that they receive this sacrament frequently especially during the times of fasts and penance observed in their own Church sui iuris.

Canon 720 - §1. Individual and integral confession and absolution constitute the ordinary way by which the Christian faithful who is aware of a serious sin is reconciled with God and the Church; only physical or moral impossibility excuses one from confession of this type, in which case reconciliation can take place in other ways.

§2. Absolution of many penitents at the same time without prior individual confession cannot be imparted unless:

1° the danger of death is imminent and there is not time for the priest or priests to administer the sacrament of penance to the individual penitents;

2° there is a grave necessity, that is, when in light of the number of penitents, a supply of priests is not available to administer the sacrament of penance to the individual penitents within a suitable time so that, through no fault of their own, they are forced for a long time to be deprived of sacramental grace or reception of the Divine Eucharist; it is not considered a sufficient necessity if confession cannot be readily available only because of the great number of penitents as can occur on the occasion of some great feast or pilgrimage.

§3. The eparchial bishop is competent to decide when such grave necessity exists and can determine such a case of necessity with general prescriptions having taken counsel with the patriarch and eparchial bishops of the other Churches sui iuris exercising power in the same territory.

Canon 721 - §1. For a member of the Christian faithful to enjoy the sacramental absolution given to many at the same time, it is required not only that the person be properly disposed, but also at the same time intend in due time to confess individually the grave sins which at the present time cannot be confessed.

§2. As much as can be done, the Christian faithful are to be instructed concerning these requirements; an exhortation that each person take care to make an act of contrition is to precede general absolution, even in danger of death if time is available.

Canon 722 - §1. Only a priest is the minister of the sacrament of penance.

§2. All bishops by the law itself can administer the sacrament of penance everywhere, unless with regard to liceity, the eparchial bishop denies it in a special case.

§3. For presbyters to act validly, they must be previously granted the faculty of administering the sacrament of penance, which is conferred either by the law itself or by a special grant made by a competent authority.

§4. Priests who are endowed with this faulty by virtue of their office or by virtue of the grant of the local hierarch of the eparchy in which they are enrolled or in which they have domicile, can validly administer the sacrament of penance anywhere to any Christian faithful, unless the local hierarch in a special case expressly denies it; the same faculties are licitly used observing the norms made by the eparchial bishop and also with at least the presumed permission of the rector of the church or the superior, if it is a case of a house of an institute of consecrated life.

Canon 723 - §1. In virtue of his office and within his jurisdiction, in addition to the local hierarch, the pastor and also the one who takes the

place of the pastor is endowed with the faculty of administering the sacrament of penance.

§2. In virtue of his office every superior of an institute of consecrated life of pontifical or patriarchal right, if he is a priest, is endowed with the same faculty for the members of his own institute and also for those who day and night remain in the religious house.

Canon 724 - §1. Only the local hierarch is competent to confer on any presbyter by a special grant the faculty of administering the sacrament of penance to any of the Christian faithful.

§2. The superior of an institute of consecrated life, provided he is endowed with the executive power of governance, can confer the faculty mentioned in can. 723, §2 on any presbyter according to the norms of the typicon or statutes.

Canon 725 - Any priest can validly and licitly absolve any penitent in danger of death from any sin, even if there is present a priest endowed with the faculty of administering the sacrament of penance.

Canon 726 - §1. The faculty of administering the sacrament of penance should not be revoked except for a serious reason.

§2. If this faculty is revoked by the hierarch mentioned in can. 722, §4 who bestowed it, the presbyter loses the same everywhere; however if it is revoked by another competent authority, the presbyter loses it only within the jurisdiction of the one who revoked it.

§3. In addition to being revoked, the faculty ceases, for those mentioned in can. 722, §4, by dismissal from office, from the loss of enrollment in an eparchy, or from the loss of domicile.

Canon 727 - In some cases, in order to provide for the welfare of souls, the faculty of absolving from sins can be appropriately restricted and reserved to a determined authority; these reservations cannot be done without the consent of the synod of bishops of the patriarchal Church or the council of hierarchs or the Apostolic See.

Canon 728 - §1. Absolution from the following sins is reserved to the Apostolic See: 1° direct violation of the sacramental seal;

2° absolution of an accomplice in a sin against chastity.

§2. It is reserved to the eparchial bishop to absolve from the sin of procuring a completed abortion.

Canon 729 - Any reservation of the absolution from sin lacks all force: 1° if a sick person who cannot leave the house or a spouse confess in order to celebrate marriage; 2° if in the prudent judgment of the confessor, the faculty cannot be requested from the competent authority without grave inconvenience to the penitent or without danger of violation of the sacramental seal;

3° outside the territorial boundaries in which the authority who makes the reservation exercises power.

Canon 730 - Absolution of an accomplice in a sin against chastity in invalid except in danger of death.

Canon 731 - One who confesses a false denunciation of an innocent confessor to ecclesiastical authority concerning the crime of solicitation to sin against chastity is not to be absolved unless that person formally retracts the denunciation and is prepared to repair damages if there are any.

Canon 732 - §1. The confessor is to offer a fitting cure for the illness by imposing appropriate works of penance in keeping with the quality, seriousness and number of the sins, and considering the condition of the penitent as well as his or her disposition for conversion.

§2. The priest is to remember that he is placed by God as a minister of divine justice and mercy; as a spiritual father he should also offer appropriate counsel so that the penitent might progress in his or her vocation to sanctity.

Canon 733 - §1. The sacramental seal is inviolable; therefore the confessor must diligently refrain either by word, sign or any other manner from

betraying the penitent for any reason.

§2. The obligation of observing secrecy also binds an interpreter if one is present, and also all others, to whom knowledge of the sins from confession comes in any way.

Canon 734 - §1. A confessor is absolutely prohibited to use the knowledge acquired from confession when it might harm the penitent, even if every danger of revelation is excluded.

§2. One who is placed in authority can in no way use for external governance knowledge about sins which he has received in confession at any time.

§3. Directors of institutes of education ordinarily do not administer the sacrament of penance to their students.

Canon 735 - §1. All to whom the care of souls is committed by reason of an office are obliged to provide that the confessions of the faithful entrusted to their care be heard when they reasonably ask to be heard and that the opportunity be given to them to come to individual confession on days and hours set for their convenience.

§2. In urgent necessity any confessor endowed with the faculty of administering the sacrament of penance is obliged to hear the confessions of the Christian faithful, and in danger of death any priest is so obliged.

Canon 736 - §1. The proper place for celebrating the sacrament of penance is a church, with due regard for the prescriptions of particular law.

§2. Due to infirmity or another just cause, this sacrament can be celebrated outside the proper place.

Chapter V. Anointing of the Sick

Canon 737 - §1. By the sacramental anointing of the sick with prayers of a priest, the Christian faithful who are gravely ill and sincerely contrite receive grace, by which, strengthened by the hope of eternal reward and absolved from sins, they are disposed to correct their lives and are helped in patiently enduring their infirmity and suffering.

§2. In the Churches in which it is the custom that the sacrament of anointing of the sick be administered by several priests, it should be seen to inasmuch as it is possible that this custom is preserved.

Canon 738 - The Christian faithful freely receive anointing of the sick whenever they are gravely ill; pastors of souls and persons who are close to the sick are to see to it that they are supported by this sacrament at an opportune time.

Canon 739 - §1. All priests, and only priests, validly administer the anointing of the sick.

§2. The administration of the anointing of the sick belongs to the pastor, parochial vicar and to all other priests for those persons committed to their care in virtue of their office; any priest can licitly administer this sacrament with at least the presumed permission of those mentioned, indeed, in case of necessity he must do so.

Canon 740 - Christian faithful who are gravely ill, who lack consciousness or the use of reason, are presumed to want this sacrament to be administered to them in danger of death or even at another time according to the judgment of the priest.

Canon 741 - The oil to be used in the sacrament of anointing the sick ought to be blessed, even by the priest himself who administers the sacrament, unless the particular law of the Church sui iuris determines otherwise.

Canon 742 - The words, order and manner of anointing are to be carefully carried out according to the prescriptions of the liturgical books; however,

in case of necessity only the anointing with the proper formula suffices.

Chapter VI. Sacred Ordination

Canon 743 - Through sacramental ordination celebrated by a bishop in virtue of the working of the Holy Spirit, sacred ministers are constituted, who are endowed with the function and power the Lord granted to his apostles, and in varying degrees share in the proclamation of the gospel, shepherding and sanctifying the people of God.

Art. I. The Minister of Sacred Ordination

Canon 744 - Only a bishop validly administers sacred ordination by the imposition of hands and by the prayers prescribed by the Church.

Canon 745 - Episcopal ordination is reserved according to the norm of law to the Roman Pontiff, patriarch or metropolitan, so that no other bishop is permitted to ordain anyone a bishop unless it is previously established that there is a legitimate mandate.

Canon 746 - §1. A bishop should be ordained by three bishops, except in case of extreme necessity.

§2. The second and third bishop, if they cannot be bishops of the same Church sui iuris as the first ordaining bishop, can be of another Church sui iuris.

Canon 747 - A candidate to the diaconate or presbyterate should be ordained by his own eparchial bishop or by another bishop with lawful dimissorial letters.

Canon 748 - §1. With regard to sacred ordination, for one who is enrolled in a certain eparchy, the proper eparchial bishop is the bishop of the eparchy in which the candidate has a domicile, or the eparchy in whose service the candidate declared in writing his desire to devote himself; with regard to the sacred ordination of one who is already enrolled in an eparchy, it is the bishop of that eparchy.

§2. An eparchial bishop cannot ordain a candidate subject to him who is enrolled in another Church sui iuris without the permission of the Apostolic

See; if, however, it is a case of a candidate who is enrolled in a patriarchal Church and has a domicile or quasi-domicile within the territorial boundaries of the same Church, the patriarch can also grant this permission.

Canon 749 - In another eparchy, a bishop is prohibited from celebrating a sacred ordination without the permission of the eparchial bishop, unless particular law of a patriarchal Church, with regard to the patriarch, establishes otherwise.

Canon 750 - §1. With due regard for cann. 472, 537, and 560, §1, the following can give dimissorial letters:

1° the proper eparchial bishop;

2° the administrator of a patriarchal Church and also, with the permission of the eparchial consultors, the administrator of an eparchy.

§2. The administrator of a patriarchal Church is not to grant dimissorial letters to those who were rejected by the patriarch, nor the administrator of eparchy to those who were rejected by the eparchial bishop.

Canon 751 - Dimissorial letters are not granted unless all the testimonials which are required by law have been obtained.

Canon 752 - Dimissorial letters can be sent from the proper eparchial bishop to any bishop of the same Church sui iuris; not, however, to a bishop of a Church different than that of the candidate, without the permission of those mentioned in can. 748, §2.

Canon 753 - Dimissorial letters can be circumscribed with restrictions or revoked by the one who granted them or by his successor, but once they have been granted, they do not cease to be operative when the authority of the one granting them ceases.

Art. II. The Subject of Sacred Ordination

Canon 754 - Only a baptized man is able to receive sacred ordination validly.

Canon 755 - An eparchial bishop or major superior, only for a most serious cause, even occult, can forbid a deacon subject to him who is destined for the presbyterate from being advanced to the presbyterate, with due regard for recourse to the norm of law.

Canon 756 - It is not permitted in any way for whatever reason to force someone to receive sacred orders or to deter someone who is worthy according to the norm of law of receiving them.

Canon 757 - He who refuses to receive a higher sacred order, cannot validly be prohibited from exercising the sacred order already received, unless he is bound by a canonical impediment or some other serious cause in the judgment of the eparchial bishop or major superior.

1° Requirements for Candidates for Sacred Ordination

Canon 758 - §1. To be ordained licitly the following are required: 1° chrismation with holy myron;

2° both the morals and the physical and psychological qualities in harmony with receiving a sacred order; 3° the age prescribed by law;

4° the required knowledge;

5° reception of the lower orders according to the norm of particular law of each Church sui iuris; 6° observation of the interstices prescribed by particular law.

§2. It is furthermore required that the candidate not be impeded according to the norm of can. 762.

§3. The particular law of each Church sui iuris or special norms established by the Apostolic See are to be followed in admitting married men to sacred orders.

Canon 759 - §1. The prescribed age for the diaconate is completion of twenty-three years, for the presbyterate the completion of twenty-four years, with due regard for particular law requiring an older age in a particular Church sui iuris.

§2. Dispensation beyond a year from the age required by common law is reserved to the patriarch, if it is a case of a candidate who has a domicile or quasi-domicile within the territorial boundaries of the patriarchal Church; otherwise, to the Apostolic See.

Canon 760 - §1. It is permissible to ordain a deacon only after he has successfully completed the fourth year of a curriculum of philosophical-theological studies, unless the synod of bishops of the patriarchal Church or the council of hierarchs determines otherwise.

§2. If it is a case of a candidate who is not destined for the priesthood, it is permitted to ordain him deacon only after he has successfully completed the third year of studies mentioned in can. 354; if however it happens later that he is admitted to the priesthood, he must first complete his theological studies in the appropriate manner.

Canon 761 - A candidate for the order of diaconate or presbyterate, in order to be licitly ordained, must give to the proper eparchial bishop or major superior a signed declaration written in his own hand, testifying that he is ready to receive sacred orders and that he accepts the obligations attached to the same of his own accord and freely and that he is to be perpetually devoted to the ecclesiastical ministry, at the same time requesting that he be admitted for the reception of sacred orders.

2° Impediments from Receiving or Exercising Sacred Orders

Canon 762 - §1. The following are impeded from receiving sacred orders: 1° a person who labors under some form of insanity or other psychic defect due to which, after consultation with experts, he is judged incapable of rightly carrying out the ministry; 2° a person who has committed the delict of apostasy, heresy or schism; 3° a person who has attempted marriage, even only a civil one, either while he was impeded from entering marriage due to an existing matrimonial bond, sacred orders or a public perpetual vow of chastity, or with a woman bound by a valid marriage or by the same type of vow; 4° a person who has committed voluntary homicide or who has procured a completed abortion and all persons who positively cooperated in either;

5° a person who has seriously and maliciously mutilated himself or another person or a person who has attempted suicide;

6° a person who has performed an act of orders which has been reserved to those who are in the order of episcopacy or presbyterate while the person either lacked that order or had been forbidden its exercise by a Canonical penalty.

7° a person who holds an office or position of administration which is forbidden to clerics and for which he must render an account until he becomes free by relinquishing the office and position of administration and has rendered an account of it;

8° a neophyte, unless he has been sufficiently proven in the judgment of the hierarch.

§2. The acts which are mentioned in 1, nn. 2-6 do not produce impediments unless they were serious and external sins perpetrated after baptism.

Canon 763 - The following are impeded from exercising sacred orders: 1° a person who illegitimately received sacred orders while under an impediment from receiving sacred orders;

2° a person who committed a crime or an act which is mentioned in can. 762, §1, nn. 2-6; 3° a person who is afflicted with insanity or with another psychological illness which is mentioned in can.

762, §1, n. 1, until the hierarch, after consultation with an expert, permits the exercise of that sacred order.

Canon 764 - Impediments for receiving or exercising sacred orders cannot be established by particular law; custom introducing a new impediment or contrary to an impediment established by common law is reprobated.

Canon 765 - Ignorance of impediments does not exempt from them.

Canon 766 - Impediments are multiplied when they arise from different causes, not however by the repetition of the same cause, unless it is a case

of the impediment arising from voluntary homicide or from the procurement of a completed abortion.

Canon 767 - §1. The eparchial bishop or the hierarch of an institute of consecrated life can dispense his subjects from the impediments from receiving or exercising sacred orders except in the following cases: 1° if the deed, upon which the impediment is based, had been taken to the judicial forum; 2° from the impediments mentioned in can. 762, §1, nn. 2-4.

§2. Dispensation from these impediments is reserved to the patriarch for candidates or clerics who have a domicile or quasi-domicile within the territorial boundaries of the Church over which he presides; otherwise, it is reserved to the Apostolic See.

§3. A confessor has the same powers of dispensing in the more urgent occult cases, in which the competent authority cannot be reached and there is a danger of grave harm or infamy, but only to ensure that the penitents can licitly exercise the sacred orders already received, with due regard for the responsibility of approaching that authority as soon as possible.

Canon 768 - §1. In the petition for obtaining a dispensation, all of the impediments are to be indicated; a general dispensation, however, is valid also for those impediments which were omitted in good faith except those mentioned in can. 762, §1, n. 4, and those taken to the judicial forum, not however for those omitted in bad faith.

§2. If it is a case of the impediment arising from voluntary homicide or from the procurement of an abortion, the number of offenses must also be mentioned for the dispensation to be valid.

§3. A general dispensation from impediments to receive sacred orders is valid for all orders.

Art. III. Those Things That Must Precede Sacred Ordination

Canon 769 - §1. The authority who admits a candidate for sacred ordination should obtain: 1° the declaration which is mentioned in can. 761, also a certificate of the last sacred ordination or, if it is the case of the first sacred

ordination, a certificate of baptism and chrismation with holy myron; 2° if the candidate is married, a certificate of marriage and the written consent of his wife; 3° a certificate of completed studies;

4° testimonial letters of the rector of the seminary or the superior of the institute of consecrated life or the presbyter in whose care the candidate was entrusted outside the seminary, of the good morals of the candidate;

5° the testimonial letters which are mentioned in can. 771, §3; 6° testimonial letters, if it is considered expedient, of other eparchial bishops or superiors of institutes of consecrated life, where the candidate resided for some time, concerning the qualities of the candidate and his freedom from all canonical impediments.

§2. These documents are to be kept in the archive of the same authority.

Canon 770 - The ordaining bishop with legitimate dimissorial letters, by which it is asserted that the candidate is worthy of receiving a sacred order, can agree to this attestation, but is not bound to; if indeed in conscience he considers the candidate not to be worthy, he should not ordain him.

Canon 771 - §1. The names of the candidates for sacred orders are to be made known publicly in the parish church of each candidate according to the norm of particular law.

§2. All the Christian faithful are bound by the obligation to reveal impediments, if they know of any, to the eparchial bishop or the pastor before the sacred ordination.

§3. The eparchial bishop shall entrust the pastor who makes the publication and even another presbyter, if its seems expedient, to inquire diligently about the morals and life of candidates from persons of upright faith and to send testimonial letters to the eparchial curia referring to the same investigation and publication.

§4. The eparchial bishop should not omit to make other investigations, even private, if he judges it opportune.

Canon 772 - Every candidate for sacred obligation must make a spiritual retreat in a manner determined by particular law.

Art. IV. Time, Place, Registration and Certification of Sacred Ordination

Canon 773 - Sacred ordinations should be celebrated with the greatest number of Christian faithful possible in a church on a Sunday or feast day, unless a just cause suggests otherwise.

Canon 774 - §1. After the sacred ordination has been celebrated, the names of those ordained and the ordaining bishop, the place and date of the sacred ordination are to be recorded in a special book to be kept in the archive of the eparchial curia.

§2. The ordaining bishop should give an authentic certificate of the ordination which was received to each of the ordained, who, if they were ordained by a bishop with dimissorial letters, should show the certificate to their own eparchial bishop or major superior so that the registration of the sacred ordination is recorded in the special book to be kept in the archive.

Canon 775 - The eparchial bishop or major superior is to send a notification of the ordination of each deacon to the pastor where the baptism of the ordained is registered.

Chapter VII. Marriage

Canon 776 - §1. The matrimonial covenant, established by the Creator and ordered by His laws, by which a man and woman by an irrevocable personal consent establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the generation and education of the offspring.

§2. From the institution of Christ a valid marriage between baptized persons is by that very fact a sacrament, by which the spouses, in the image of an indefectible union of Christ with the Church, are united by God and, as it were, consecrated and strengthened by sacramental grace.

§3. The essential properties of marriage are unity and indissolubility, which in a marriage between baptized persons obtain a special firmness in virtue of the sacrament.

Canon 777 - From marriage each of the spouses has equal obligations and rights to those things which pertain to the partnership of conjugal life.

Canon 778 - All persons can enter into marriage who are not prohibited by law.

Canon 779 - Marriage enjoys the favor of the law; consequently, in doubt, the validity of a marriage is to be upheld until the contrary is proven.

Canon 780 - §1. Even if only one party is Catholic, the marriage of Catholics is regulated not only by divine law but also by canon law, with due regard for the competence of civil authority concerning the merely civil effects of such a marriage.

§2. In addition to divine law, marriage between a Catholic and a baptized non-Catholic is also regulated by:

1° the law proper to the Church or ecclesial community to which the non-Catholic belongs, if that community has its own matrimonial law;

2° the law that binds the non-Catholic, if it is an ecclesial community, if proper matrimonial law is lacking.

Canon 781 - If the Church must judge the validity of a marriage between baptized non-Catholics: 1° there is to be concern for the law by which the parties were bound at the time of the celebration of marriage in the light of can. 780, §2;

2° with regard to the form of the celebration, the Church recognizes any form prescribed or admitted by the law to which the parties were subject at the time of the celebration of the marriage, provided that the consent be expressed in a public form and, when at least one of the parties is a baptized

member of an Eastern non-Catholic Church, the marriage be celebrated with a sacred rite.

Canon 782 - §1. Engagements, which praiseworthily precede marriage in the ancient tradition of the Eastern Churches, are governed by the particular law of each Church sui iuris.

§2. From the promise of marriage there does not arise an action to seek the celebration of marriage; however, there does arise an action for the reparation of damages, if it is warranted.

Art. I. Pastoral Care and Those Things That Must Precede the Celebration of Marriage

Canon 783 - §1. Pastors of souls are obliged to see to it that the Christian faithful are prepared for the matrimonial state:

1° by preaching and catechesis adapted to youths and adults, by which the Christian faithful are instructed concerning the meaning of Christian marriage and the obligations of spouses to each other and the primary right and obligation which parents have of doing all in their power to see to do the physical, religious, moral, social and culture upbringing of their children; 2° by personal preparation of the parties for the marriage, by which they may be predisposed to that new state.

§2. It is strongly recommended to the Catholic parties that they receive the Divine Eucharist in celebrating the marriage.

§3. After the marriage has been celebrated, pastors of souls should provide assistance to the couple, so that, while faithfully maintaining and protecting the conjugal covenant, they may day by day come to lead holier and fuller lives in their families.

Canon 784 - In the particular law of each Church sui iuris, after consultation with the eparchial bishops of other Churches sui iuris exercising power in the same territory, norms are to be issued concerning the examination of the parties and other means for inquiries which are to be carried out before the marriage, especially those which concern baptism and

the freedom to marry, which are to be diligently observed so that the celebration of the marriage can proceed.

Canon 785 - §1. Pastors of souls are obliged according to the needs of the times and place to prevent with suitable means every danger of an invalid or illicit celebration of marriage, and thus, before the marriage is celebrated, it must be established that nothing stands in the way of its valid and licit celebration.

§2. In danger of death, if other means of proof cannot be obtained and there are no contrary indications, the affirmation of the spouses is sufficient, even under oath if the case warrants it, that they have been baptized and that they are not held back by any impediment.

Canon 786 - All the Christian faithful are obliged to reveal any impediments they are aware of to the pastor or the local hierarch before the celebration of the marriage.

Canon 787 - The pastor who conducted the investigation is to notify immediately, through an authentic document, the pastor who must bless the marriage of the results of the investigation.

Canon 788 - If after a diligent investigation there persists a doubt concerning the existence of an impediment, the pastor is to defer the matter to the local hierarch.

Canon 789 - Although the marriage can be entered validly with regard to other matters, the priest, beyond the other cases defined by law, without the permission of the local hierarch, is not to bless: 1° the marriage of transients;

2° a marriage which cannot be recognized or entered into according to the norms of civil law; 3° a marriage of a person who is bound by natural obligations toward a third party or toward children arising from a prior union with that party;

4° a marriage of a minor child of a family whose parents are unaware of or opposed to the marriage; 5° the marriage of one who is forbidden by an

ecclesiastical sentence to enter into a new marriage unless the person fulfills certain conditions;

6° a marriage of a person who has publicly rejected the Catholic faith, even if that person did not become a member of a non-Catholic Church or ecclesial communion; the local hierarch in this case will not grant permission unless the norms of can. 814 are observed, making any necessary adaptations.

Art. II. Diriment Impediments in General

Canon 790 - §1. A diriment impediment disqualifies a person from contracting marriage validly.

§2. An impediment, even if only one of the two parties has it, still renders the marriage invalid.

Canon 791 - An impediment which can be proven in the external forum is considered to be a public one; otherwise it is an occult one.

Canon 792 - The particular law of any Church sui iuris will not establish a diriment impediment, unless for a most serious reason, after taking the counsel of other eparchial bishops of other Churches sui iuris to whom it is of interest and after consultation with the Apostolic See; no lower authority, however, can establish diriment impediments.

Canon 793 - A custom which introduces a new impediment or is contrary to existing impediments is reprobated.

Canon 794 - §1. In a special case, the local hierarch can prohibit the marriage of the Christian faithful subject to him wherever they are and also of other Christian faithful of his own Church sui iuris actually present within the territorial boundaries of his eparchy, but only for a time, for a serious cause and as long as that cause exists.

§2. If the local hierarch is one who exercises his power within the territorial boundaries of the patriarchal Church, the patriarch can add an invalidating clause to a prohibition; in other cases only the Apostolic See can do so.

Canon 795 - §1. The local hierarch can dispense the Christian faithful subject to him wherever they are as well as other Christian faithful enrolled in another Church sui iuris actually present within the territorial boundaries of his eparchy from impediments of ecclesiastical law except those which follow: 1° holy orders;

2° public perpetual vows of chastity in a religious institute, unless it is a case of congregations of eparchial right;

3° conjugicide.

§2. Dispensation from these impediments is reserved to the Apostolic See; however, the patriarch can dispense from the impediment of conjugicide as well as of the one of public perpetual vow of chastity made in congregations of any juridical condition.

§3. A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line.

Canon 796 - §1. In danger of death, the local hierarch can dispense the Christian faithful subject to him wherever they are and other Christian faithful actually present within the territorial boundaries of his eparchy from the form to be observed in the celebration of marriage, and from each and every impediment of ecclesiastical law, whether public or occult, except the impediment of the sacred order of priesthood.

§2. In the same situation and only for those cases in which the local hierarch cannot be reached, the following have the same power: the pastor; another priest endowed with the faculty of blessing the marriage and the Catholic priest mentioned in can 832, §2; the confessor, if it is a question of an occult impediment for the internal forum, whether within or outside the act of sacramental confession.

§3. The local hierarch is not considered to be accessible if he can be contacted only by means other than letter or personal access.

Canon 797 - §1. If an impediment is discovered after everything is prepared for the celebration of the marriage and the marriage cannot be delayed

without probable danger of serious harm until a dispensation is obtained from the competent authority, the power of dispensing from all impediments except those mentioned in can. 795, §1, nn. 1 and 2 is held by the local hierarch and, provided the case is occult, all persons mentioned in can. 796, §2, observing all the conditions prescribed in the canon.

§2. The faculty is also operative for the convalidation of a marriage if there is the same danger in delay and there is not sufficient time to have recourse to the competent authority.

Canon 798 - The priests mentioned in cann. 796, §2 and 797, §1 are to inform immediately the local hierarch of a dispensation or convalidation granted for the external forum and it is to be recorded in the marriage register.

Canon 799 - Unless there is a contrary determination in a rescript of the Apostolic See or of the patriarch or local hierarch within the limits of his competency, a dispensation from an occult impediment granted in the internal non-sacramental forum is to be recorded in the secret archive of the eparchial curia; no other dispensation for the external forum is necessary, even if the occult impediment should become public later.

Art. III. Impediments Specifically

Canon 800 - §1. A man before he has completed his sixteenth year of age and a woman before she has completed her fourteenth year of age, cannot validly celebrate a marriage.

§2. It is within the power of the particular law of any Church sui iuris to establish an older age for the licit celebration of marriage.

Canon 801 - §1. Antecedent and perpetual impotence to have sexual intercourse, whether on the part of the man or of the woman, which is either absolute or relative, of its very nature invalidates a marriage.

§2. If the impediment of impotence is doubtful, either by reason of doubt of law or of a doubt of fact, the marriage is neither to be impeded nor is it to be declared null as long as the doubt exists.

§3. Sterility neither prohibits nor invalidates marriage, with due regard for can. 821.

Canon 802 - §1. A person who is held to a bond of a prior marriage invalidly attempts marriage.

§2. Even if the first marriage is invalid or dissolved for any reason, it is not licit to celebrate another marriage before the invalidity or dissolution of the first is legitimately and certainly established.

Canon 803 - §1. Marriage with a non-baptized person cannot validly be celebrated.

§2. If at the time of the celebration of the marriage the party was commonly held to be baptized or his or her baptism was doubtful, the validity of the marriage is to be presumed, according to the norm of can.

779, until it is proven with certainty that one party was baptized and the other was not.

§3. Concerning the conditions for dispensing, can. 814 is to be applied.

Canon 804 - Persons who are in holy orders invalidly attempt marriage.

Canon 805 - Persons who are bound by a public perpetual vow of chastity in a religious institute invalidly attempt marriage.

Canon 806 - No marriage can take place with a person who is abducted or at least detained for the purpose of entering into marriage, unless the person freely chooses marriage after having been separated from the abductor or detainer and is in a safe and free place.

Canon 807 - §1. A person who, with the intention of celebrating marriage with a certain person, brings about the death of that person's spouse or one's own spouse, invalidly attempts this marriage.

§2. They also invalidly attempt marriage between themselves who have brought about the death of a spouse through mutual physical or moral cooperation.

Canon 808 - §1. In the direct line of consanguinity marriage is invalid between all ancestors and descendants.

§2. In a collateral line of consanguinity, marriage is invalid up to and including the fourth degree.

§3. Marriage is never permitted if there is any doubt whether the parties are related through consanguinity in any degree of the direct line or in the second degree of the collateral line.

§4. The impediment of consanguinity is not multiplied.

Canon 809 - §1. Affinity invalidates a marriage in the direct line in any degree whatsoever; in the collateral line, in the second degree.

§2. The impediment of affinity is not multiplied.

Canon 810 - §1. The impediment of public propriety arises:

1° from an invalid marriage after common life has been established; 2° from notorious or public concubinage;

3° from the establishment of common life of those who although bound to a required form for the celebration of marriage, attempted it before a civil official or non-Catholic minister.

§2. This impediment invalidates marriage in the first degree of the direct line between a man and the blood relatives of the woman and between a woman and the blood relatives of the man.

Canon 811 - §1. From baptism there arises a spiritual relationship between a sponsor and the baptized person and the parents of the same that invalidates marriage.

§2. If a baptism is repeated under condition, a spiritual relationship does not arise, unless the same sponsor was employed for the second ceremony.

Canon 812 - They cannot validly contract marriage between themselves who are related in the direct line or in the second degree of the collateral

line through a legal relationship arising from adoption.

Art. IV. Mixed Marriages

Canon 813 - Marriage between two baptized persons, one of whom is Catholic and the other of whom is non-Catholic, is prohibited without the prior permission of the competent authority.

Canon 814 - For a just reason the local hierarch can grant permission; however he is not to grant it unless the following conditions are fulfilled:

1° the Catholic party declares that he or she is prepared to remove dangers of falling away from the faith and makes a sincere promise to do all in his or her power to have all the offspring baptized and educated in the Catholic Church;

2° the other party is to be informed at an appropriate time of these promises which the Catholic party has to make, so that it is clear that the other party is truly aware of the promise and obligation of the Catholic party;

3° both parties are to be instructed on the essential ends and properties of marriage, which are not to be excluded by either spouse.

Canon 815 - The particular law of each Church sui iuris is to establish the manner in which these declarations or promises, which are always required, are to be made, what proof of them there should be in the external forum and how they are to be brought to the attention of the non-Catholic party.

Canon 816 - Local hierarchs and other pastors of souls are to see to it that the Catholic spouse and the children born of a mixed marriage do not lack spiritual assistance in fulfilling their spiritual obligations, and are to assist the spouses in fostering the unity of conjugal and family life.

Art. V. Matrimonial Consent

Canon 817 - §1. Matrimonial consent is an act of the will by which a man and woman, through an irrevocable covenant, mutually give and accept each other in order to establish marriage.

§2. No human power can replace this matrimonial consent.

Canon 818 - They are incapable of contracting marriage:

1° who lack the sufficient use of reason;

2° who suffer from grave lack of discretion of judgment concerning essential matrimonial rights and duties which are to be mutually given and accepted;

3° who are not capable of assuming the essential obligations of matrimony due to causes of a psychic nature.

Canon 819 - For matrimonial consent to be valid it is necessary that the contracting parties at least not be ignorant that marriage is a permanent consortium between a man and a woman which is ordered toward the procreation of offspring by means of some sexual cooperation.

Canon 820 - §1. Error concerning the person renders marriage invalid.

§2. Error concerning a quality of a person, even if such error is the cause of the contract, does not invalidate matrimony unless this quality was directly and principally intended.

Canon 821 - A person contracts invalidly who enters marriage deceived by fraud, perpetrated to obtain consent, concerning some quality of the other party which of its very nature can seriously disturb the partnership of conjugal life.

Canon 822 - Error concerning the unity, indissolubility or sacramental dignity of matrimony does not vitiate matrimonial consent so long as it does not determine the will.

Canon 823 - The knowledge or opinion of the nullity of a marriage does not necessarily exclude matrimonial consent.

Canon 824 - §1. The internal consent of the mind is presumed to be in agreement with the words or signs employed in celebrating matrimony.

§2. But if either or both parties through a positive act of the will should exclude marriage itself, some essential element or an essential property of marriage, it is invalidly contracted.

Canon 825 - A marriage is invalid if it is entered into due to force or grave fear inflicted from outside the person, even when inflicted unintentionally, which is of such a type that the person is compelled to choose matrimony in order to be freed from it.

Canon 826 - Marriage based on a condition cannot be validly celebrated.

Canon 827 - Even if a marriage was entered invalidly by reason of an impediment or defect of form for the celebration of marriage required by law, the consent which was furnished is presumed to continue until its revocation has been proved.

Art. VI. The Form for the Celebration of Marriage

Canon 828 - §1. Only those marriages are valid which are celebrated with a sacred rite, in the presence of the local hierarch, local pastor, or a priest who has been given the faculty of blessing the marriage by either of them, and at least two witnesses, according, however to the prescriptions of the following canons, with due regard for the exceptions mentioned in cann. 832 and 834, 2.

§2. That rite which is considered a sacred rite is the intervention a priest assisting and blessing.

Canon 829 - §1. From the day of taking canonical possession of office and as long as they legitimately hold office, everywhere within the boundaries of their territory, local hierarchs and pastors validly bless the marriage of parties whether they are subjects or non-subjects, provided that at least one of the parties is enrolled in his Church sui iuris.

§2. The hierarch and the personal pastor, by virtue of their office, only validly bless marriages within the boundaries of their jurisdiction when at least one of the parties is a subject.

§3. By the law itself, the patriarch is endowed with the faculty to personally bless marriages anywhere in the world, as long as at least one of the parties is enrolled in the Church over which he presides, observing the other requirements of law.

Canon 830 - §1. As long as they legitimately hold office, the local hierarch and the pastor can give the faculty to bless a determined marriage within their own territorial boundaries to priests of any Church sui iuris, even the Latin Church.

§2. However, only the local hierarch can give a general faculty for blessing marriages with due regard for can. 302, §2.

§3. In order that the conferral of the faculty for blessing a marriage be valid, it must be expressly given to specified priests; further, if the faculty is general, it must be given in writing.

Canon 831 - §1. The local hierarch or pastor licitly blesses a marriage: 1° after he has established the domicile, quasi-domicile, or month-long residence, or, if it is a case of a transient, actual residence of either party in the place of the marriage; 2° if, when these conditions are lacking, he has the permission of the hierarch or pastor of the domicile or quasi-domicile of either of the parties, unless a just cause excuses; 3° also, a place exclusively of another Church sui iuris, unless the hierarch who exercises power in that place expressly refuses.

§2. The marriage is to be celebrated before the pastor of the groom, unless either particular law determines otherwise or a just cause excuses.

Canon 832 - §1. If one cannot have present or have access to a priest who is competent according to the norm of law without grave inconvenience, those intending to celebrate a true marriage can validly and licitly celebrate it before witnesses alone:

1° in danger of death;

2° outside the danger of death, as long as it is prudently foreseen that such circumstances will continue for a month.

§2. In either case, if another priest, even a non-Catholic one, is able to be present, inasmuch as it is possible he is to be called so that he can bless the marriage, without prejudice for the validity of a marriage in the presence only of the witnesses.

§3. If a marriage was celebrated in the presence only of witnesses, the spouses shall not neglect to receive the blessing of the marriage from a priest as soon as possible.

Canon 833 - §1. The local hierarch can give to any Catholic priest the faculty of blessing the marriages of the Christian faithful of an Eastern non-Catholic Church if those faithful cannot approach a priest of their own Church without great difficulty, and if they spontaneously ask for the blessing as long as nothing stands in the way of a valid and licit celebration.

§2. Before he blesses the marriage, the Catholic priest, if he is able, is to inform the competent authority of those Christian faithful of the fact.

Canon 834 - §1. The form for the celebration of marriage prescribed by law is to be observed if at least one of the parties celebrating the marriage was baptized in the Catholic Church or was received into it.

§2. If, however, a Catholic party enrolled in some Eastern Church celebrates a marriage with one who belongs to an Eastern non-Catholic Church, the form for the celebration of marriage prescribed by law is to be observed only for liceity; for validity, however, the blessing of a priest is required, while observing the other requirements of law.

Canon 835 - Dispensation from the form for the celebration of marriage required by law is reserved to the Apostolic See or the patriarch, who will not grant it except for a most grave reason.

Canon 836 - Outside the case of necessity, in the celebration of marriage the prescriptions of the liturgical books and the legitimate customs are to be observed in the celebration of marriage.

Canon 837 - §1. For the valid celebration of marriage, it is necessary that the parties be present at the same time and mutually manifest marriage

consent.

§2. Marriage cannot be validly celebrated by proxy unless the particular law of one's own Church sui iuris establishes otherwise, in which case it must provide the conditions under which such a marriage may be celebrated.

Canon 838 - §1. Marriage is to be celebrated in a parish church, or with the permission of the local hierarch or pastor, in another sacred place; however, it cannot be celebrated in other places without the permission of the local hierarch.

§2. Concerning the time of the celebration of marriage, the norms to be observed are those established in the particular law of each Church sui iuris.

Canon 839 - Before or after the canonical celebration of marriage, it is forbidden to have another religious celebration of the same marriage to furnish or renew consent; likewise, a religious celebration is forbidden in which both the Catholic priest and non-Catholic minister ask for the consent of the parties.

Canon 840 - §1. Permission for a secret marriage can be granted by the local hierarch for a serious and urgent reason and also includes the grave obligation of observing secrecy on the part of the local hierarch, the pastor, the priest who was granted the faculty of blessing the marriage, witnesses, and the one spouse if the other does not consent to revealing it.

§2. The obligation of observing secrecy ceases on the part of the local hierarch if serious scandal or serious harm to the sanctity of marriage is threatened by the observance of secrecy.

§3. A marriage which is secretly celebrated is to be recorded only in the special register which is to be kept in the secret archive of the eparchial curia unless a most grave reason prevents it.

Canon 841 - §1. After the celebration of the marriage, the pastor of the place of celebration or the person who acts in his place, even if neither blessed the marriage, should record as soon as possible in the marriage register the names of the parties, the priest who blessed the marriage and

the witnesses, the place and date of the celebration of the marriage and, as the case may be, dispensation from form or from other impediments, the name of the grantor of the dispensations together with the name of the impediment and its degree, the granting of the faculty for blessing the marriage, and other matters according to the manner prescribed by the proper eparchial bishop.

§2. Furthermore, the pastor of the place also is to record in the baptismal register that the spouse celebrated marriage on that day in his parish. If a spouse was baptized elsewhere, the pastor is to send the notice of marriage either personally or by means of the eparchial curia, to the pastor where that spouse's baptism is recorded. He is not to be satisfied until he receives notification that the notation of the marriage was made in the baptismal register.

§3. Whenever a marriage is celebrated according to the norm of can. 832, the priest, if he blessed it, or the witnesses and the spouses, must see to it that the celebration of the marriage is recorded in the prescribed books as soon as possible.

Canon 842 - If a marriage is convalidated in the external forum, declared null or is legitimately dissolved other than by death, the pastor of the place of celebration of the marriage must see to it that a notation is made in the marriage and baptismal registers.

Art. VII. Convalidation of Marriage

1° Simple Convalidation

Canon 843 - §1. To convalidate a marriage which is invalid due to a diriment impediment, it is required that the impediment cease or that it be dispensed and that at least the party who is aware of the impediment renew consent.

§2. This renewal of consent is required for the validity of the convalidation even if both parties furnished consent at the beginning and have not revoked it later.

Canon 844 - The renewal of consent must be a new act of the will concerning a marriage which the person who is renewing consent knows or thinks was null from the beginning.

Canon 845 - §1. If the impediment is a public one, the consent is to be renewed by both parties according to the form for the celebration of marriage required by law.

§2. If the impediment is occult, it is sufficient that the consent be renewed privately and in secret by the party who is aware of the impediment, provided the other party perseveres in the consent already given, or by both parties when each of them knows about the impediment.

Canon 846 - §1. A marriage which is invalid due to a defect of consent is convalidated when the party who has not consented now gives consent, provided the consent given by the other party still exists.

§2. If the defect of consent cannot be proven it is sufficient that the party who did not consent gives consent privately and in secret.

§3. If the defect of consent can be proven it is necessary that the consent be given according to the form for the celebration of marriage required by law.

Canon 847 - A marriage which is invalid due to a defect of form for the celebration of marriage required by law must be contracted anew according to that form in order to become valid.

2° Radical Sanation

Canon 848 - §1. The radical sanation of an invalid marriage is its convalidation without the renewal of consent, granted by competent authority and including a dispensation from an impediment, if there was one, and from the form for the celebration of marriage required by law, it if was not observed, and the retroactivity into the past of canonical effects.

§2. The convalidation occurs at the moment the favor is granted; it is understood to be retroactive, however, to the moment the marriage was celebrated unless something else is expressly stated.

Canon 849 - §1. A radical sanation of the marriage can be granted validly even when one or both of the parties are unaware of it.

§2. A radical sanation is not to be granted except for a grave reason and unless it is probable that the parties intend to persevere in conjugal life.

Canon 850 - §1. An invalid marriage can be sanated provided the consent of each party continues to exist.

§2. A marriage which is invalid due to an impediment of divine law cannot be sanated validly until after the impediment has ceased to exist.

Canon 851 - §1. A marriage cannot be radically sanated if consent is lacking in either or both the parties, whether the consent was lacking from the beginning or was given in the beginning but afterwards revoked.

§2. If, however, consent was indeed lacking in the beginning but afterwards was given, a sanation can be granted from the moment the consent was given.

Canon 852 - A patriarch and an eparchial bishop can grant a radical sanation in individual cases if the validity of the marriage is prevented by a defect of form for the celebration of marriage required by law or some impediment from which they can dispense, and, if the conditions mentioned in can. 814 are fulfilled.

In other cases, and in cases involving an impediment of divine law which has now ceased, a radical sanation can be granted only by the Apostolic See.

Art. VIII. The Separation of the Spouses

1° Dissolution of the Bond

Canon 853 - The sacramental bond of marriage for a consummated marriage cannot be dissolved by any human power nor by any cause other than death.

Canon 854 - §1. A marriage entered by two non-baptized persons is dissolved by means of the pauline privilege in favor of the faith of a party who has received baptism by the law itself when a new marriage is celebrated by the party who has been baptized, provided the non-baptized party departs.

§2. The non-baptized party is considered to depart, if he or she does not wish to cohabit in peace with the baptized party without insult to the Creator, unless, after receiving baptism, the baptized party gave the other party a just cause for departure.

Canon 855 - §1. In order for the baptized party to celebrate another marriage validly, the non-baptized party must be interrogated as to whether:

1° he or she wants to receive baptism;

2° he or she at least wishes to cohabit with the baptized party in peace without insult to the Creator.

§2. This interrogation must be conducted after baptism, but the local hierarch for a serious reason can permit the interrogation to be conducted before the baptism, or even to dispense with the interrogation either before or after the baptism, if by means of at least a summary and extra-judicial process it is established that it cannot be done or that it would be useless.

Canon 856 - §1. Ordinarily the interrogation is made by the authority of the local hierarch of the converted party; if the other party requests time for responding, the same hierarch is to grant it with the warning that after the period elapsed without any answer, the person's silence is considered to be a negative response.

§2. An interrogation can also be done privately by the converted party and is indeed licit, if the form prescribed above cannot be observed.

§3. In either case, the fact that the interrogation took place and its outcome must legitimately be evident in the external forum.

Canon 857 - The baptized party has the right of celebrating a new marriage with a Catholic party if: 1° the other party responds negatively to the interrogation;

2° the interrogation is legitimately omitted;

3° the non-baptized party, either already interrogated or not, at first persevering in peaceful cohabitation but later departed without just cause, in which case, however, an interrogation is to be done according to the norms of cann. 855 and 856.

Canon 858 - For a serious reason the local hierarch can permit the baptized party who employs the pauline privilege to contract marriage with a non-Catholic party, whether baptized or not, while observing the prescriptions of the canons on mixed marriages.

Canon 859 - §1. A non-baptized man who at the same time has several non-baptized wives, after having received baptism in the Catholic Church, if it is difficult to remain with the first, can keep one of them while dismissing the others; the same is true for a non-baptized woman, who at the same time has several non-baptized husbands.

§2. In this case the marriage is to be celebrated according to the form prescribed by law while observing the other requirements of law.

§3. After considering the moral, social, and economic conditions of the place and of the persons, the local hierarch is to take care that sufficient provision is made in accordance with the norms of justice, charity, and equity for the needs of those who are dismissed.

Canon 860 - A non-baptized person who, having received baptism in the Catholic Church, cannot restore cohabitation with a non-baptized spouse due to captivity or persecution, can licitly celebrate another marriage, even if the other party has received baptism in the meantime, with due regard for can. 853.

Canon 861 - In a doubtful matter the privilege of the faith enjoys the favor of the law.

Canon 862 - A non-consummated marriage can be dissolved by the Roman Pontiff for a just cause, with both parties making the request or only one making the request and the other opposed.

2° Separation while the Bond Endures

Canon 863 - §1. Although it is earnestly recommended that a spouse, moved by charity and a concern for the good of the family, not refuse pardon to an adulterous partner and not break up conjugal life, nevertheless, if the spouse has not expressly or tacitly condoned the misdeed of the other spouse, the former does have the right to end conjugal living, unless he or she consented to the adultery, gave cause for it, or likewise committed adultery.

§2. Tacit condonation exists if the innocent spouse, after having become aware of the adultery, continued voluntarily to live with the other spouse in marital affection. Tacit condonation is presumed if the innocent spouse continued conjugal living for a period of six months and has not had recourse to ecclesiastical or civil authority.

§3. If the innocent spouse spontaneously severed conjugal living, that spouse within six months is to bring a suit for separation before the competent ecclesiastical authority; this authority, after having investigated all the circumstances, is to decide whether the innocent spouse can be induced to forgive the misdeed and not to prolong the separation permanently.

Canon 864 - §1. If either of the spouses causes serious danger to the other spouse or to the children, or renders common life too hard, that spouse gives the other a legitimate cause for separating in virtue of a decree of the local hierarch, or even on his or her own authority if there is danger in delay.

§2. In the particular law of individual Churches sui iuris other reasons can be established according to the customs of the people and circumstances of the place.

§3. In all cases, when the reason for the separation ceases, the conjugal life is to be restored, unless it is established otherwise by competent authority.

Canon 865 - After the separation of the spouses, suitable provision is to be made for the adequate support and education of the children.

Canon 866 - The innocent spouse can praiseworthily readmit the other spouse to conjugal life, in which case the former renounces the right to separate.

Chapter VIII. Sacramentals, Sacred Times and Places, Veneration of the Saints, a Vow and an Oath

Art. I. Sacramentals

Canon 867 - §1. Through the sacramentals, which are sacred signs, by which in imitation of the sacraments effects, especially spiritual ones, are signified and obtained through the intercession of the Church, people are disposed to received the principal effect of the sacraments and the various circumstances of life are sanctified.

§2. Concerning the sacramentals the norms of the particular law of the individual Church sui iuris should be observed.

Art. II. Sacred Places

Canon 868 - Sacred places, which are destined for divine worship, cannot be erected without the permission of the eparchial bishop, unless it is expressly established otherwise by common law.

1° Churches

Canon 869 - A church is a building exclusively dedicated for divine worship by consecration or blessing.

Canon 870 - No building destined to be a church is to be built unless the express consent of the eparchial bishop is given in writing, unless something else is expressly established by common law.

Canon 871 - §1. Cathedral churches and, if possible, parish churches, churches of monasteries and churches attached to religious houses, should be dedicated through consecration.

§2. Consecration is reserved to the eparchial bishop, who can grant the faculty of consecrating to another bishop; after the consecration or blessing has been performed, a document is to be drawn up for preservation in the archive of the eparchial curia.

Canon 872 - §1. Anything which is not consonant to the sanctity of the place is forbidden in a church.

§2. All whose concern it is are to care that such cleanliness is maintained in a church as befits the house of God, and that security means are taken to protect the sacred and precious objects.

Canon 873 - §1. If a church in no way can be used any longer for divine worship and there is no possibility to repair it, the eparchial bishop can relegate it to profane but not sordid use.

§2. If other grave reasons suggest that a certain church can no longer be used for divine worship, the eparchial bishop can relegate it to profane but not sordid use, after having consulted with the presbyteral council, and with the consent of those who legitimately claim rights concerning the church, and as long as the good of souls is not thereby impaired.

2° Cemeteries and Ecclesiastical Funerals

Canon 874 - §1. It is the right of the Church to possess its own cemeteries.

§2. The Church is to have its own cemeteries whenever it can be done, or at least a space in the civil cemeteries destined for departed Christian faithful, and both should be blessed; if this cannot be done, on the occasion of the funeral the grave of the departed is to be blessed.

§3. The departed are not to be buried in churches, any contrary customs to be reprobated, unless it is the case of someone who was a patriarch, bishop or exarch.

§4. Parishes, monasteries and other institutes of consecrated life can have their own cemeteries.

Canon 875 - All Christian faithful and catechumens, unless they are deprived by law, must be given an ecclesiastical funeral, by which the Church asks for spiritual assistance for the departed, honors their bodies, and at the same time brings the solace of hope to the living.

Canon 876 - §1. An ecclesiastical funeral can also be given to baptized non-Catholics according to the prudent judgment of the local hierarch; unless it is against their will and as long as the proper minister is not available.

§2. Children, whose parents intended to baptized them, and others who in some way were considered to be close to the Church, if before they received baptism died, can also be given an ecclesiastical funeral, according to the prudent judgment of the local hierarch.

§3. Those who choose cremation for their bodies, unless such a choice was made for reasons contrary to the conduct of Christian life, are to be granted an ecclesiastical funeral, provided that it does not obscure the preference of the Church for the burial of bodies and that scandal is avoided.

Canon 877 - Sinners are to be deprived of an ecclesiastical funeral who could not be granted it without public scandal to the Christian faithful unless priorto death they gave some signs of penance.

Canon 878 - §1. In the celebration of ecclesiastical funerals all favoritism is to be avoided.

§2. With due regard for can. 1013, eparchial bishops insofar as possible are to see that the practice is introduced according to which the offerings on the occasion of an ecclesiastical funeral be only those which the Christian faithful offer on their own.

Canon 879 - After the internment has taken place, a record is to be made in the register of the departed, according to the norm of particular law.

Art. III. Feast Days and Days of Penance

Canon 880 - §1. Only the supreme authority of the Church can establish, transfer or suppress feast days and days of penance which are common to all of the Eastern Churches, with due regard for §3.

§2. The authority of a Church sui iuris which is competent to establish particular law can constitute, transfer or suppress feast days and days of penance for that Church sui iuris, however having sought the opinions of the other Churches sui iuris and with due regard for can. 40, §1.

§3. Holy days of obligation common to all the Eastern Churches, beyond Sundays, are the Nativity of our Lord Jesus Christ, the Epiphany, the Ascension, the Dormition of the Holy Mary Mother of God and the Holy Apostles Peter and Paul except for the particular law of a Church sui iuris approved by the Apostolic See which suppresses a holy days of obligation or transfers them to a Sunday.

Canon 881 - §1. The Christian faithful are bound by the obligation to participate on Sundays and feast days in the Divine Liturgy, or according to the prescriptions or legitimate customs of their own Church sui iuris, in the celebration of the divine praises.

§2. In order for the Christian faithful to fulfill this obligation more easily, the available time runs from the evening of the vigil until the end of the Sunday or feast day.

§3. The Christian faithful are strongly recommended to receive the Divine Eucharist on these days and indeed more frequently, even daily.

§4. The Christian faithful should abstain from those labors or business matters which impede the worship to be rendered to God, the joy which is proper to the Lord's day, or to the proper relaxation of mind and body.

Canon 882 - On the days of penance the Christian faithful are obliged to observe fast or abstinence in the manner established by the particular law of their Church sui iuris.

Canon 883 - §1. The Christian faithful who are outside the territorial boundaries of their own Church sui iuris can adopt fully for themselves the feast days and days of penance which are in force where they are staying.

§2. In families in which the parents are enrolled in different Churches sui iuris, it is permitted to observe the norms of one or the other Church, in regard to feast days and days of penance.

Art. IV. Veneration of the Saints, of Sacred Images and Relics

Canon 884 - To foster the sanctification of the people of God the Church recommends to the special and filial veneration of the Christian faithful the

Holy Mary ever Virgin, the Mother of God, whom Christ established as the Mother of the human race; it also promotes true and authentic devotion to the other saints by whose example the Christian faithful are edified and through whose intercession they are sustained.

Canon 885 - Veneration through public cult is permitted only to those servants of God who are listed among the saints or the blessed by the authority of the Church.

Canon 886 - The practice of displaying sacred icons or images in churches for the veneration of the Christian faithful is to remain in force in the manner and order established by the particular law of each Church sui iuris.

Canon 887 - §1. Sacred icons or precious images, that is, those which are outstanding due to antiquity or art, which are exposed in churches for the veneration of the Christian faithful, cannot be transferred to another church or alienated without the written consent given by the hierarch who exercises authority over that same church, with due regard for cann. 1034-1041.

§2. Sacred icons or precious images are also not to be restored without the written consent given by the same hierarch, who before he grants it, is to consult experts.

Canon 888 - §1. It is not permitted to sell sacred relics.

§2. Significant relics, icons or images, which are honored in a certain church with great veneration by the people, cannot in any manner be validly alienated nor perpetually transferred to another church without the consent given by the Apostolic See or by the patriarch, with the consent of the permanent synod, with due regard for can. 1037.

§3. Concerning the restoration of these icons or images, can. 887, §2 is to be observed.

Art. V. A Vow and an Oath

Canon 889 - §1. A vow, which is a deliberate and free promise made to God concerning possible and better good, must be fulfilled by the virtue of religion.

§2. All who have the suitable use of reason are capable of making a vow, unless they are prohibited by law.

§3. A vow made through grave and unjust fear or fraud is null by the law itself.

§4. A vow is public if it is accepted in the name of the Church by a legitimate ecclesiastical superior; otherwise, it is private.

Canon 890 - By its nature a vow obliges no one except the one who made it.

Canon 891 - A vow ceases when the time appointed for the fulfillment of the obligation has passed, when there is a substantial change in the matter promised or when the condition on which the vow depends or the purpose for which it was made no longer exists; it also ceases through dispensation or commutation.

Canon 892 - A person who has power over the matter of a vow can suspend its obligation for as long as its fulfillment would prejudice such a person.

Canon 893 - §1. The following persons can dispense from a private vow for a just reason provided the dispensation does not injure a right acquired by others:

1° for his own subjects, any hierarch, pastor, and local superior of an institute of consecrated life who has the power of governance;

2° for other Christian faithful of his own Church sui iuris while they are present within the territorial boundaries of the eparchy, a local hierarch; and also a local pastor within the territorial boundaries of his own parish;

3° for those who are present day and night in a house of an institute of consecrated life, the local superior, who has the power of governance, and his major superior.

§2. Under the same condition, but only for the internal forum, this dispensation can be granted by any confessor.

Canon 894 - Vows made before monastic or religious profession are suspended while the person who makes the vow remains in the monastery, order or congregation.

Canon 895 - An oath, that is, the invocation of the divine name as a witness to truth, can only be made before the Church in cases established by law, otherwise it produces no canonical effect.

TITLE XVII. BAPTIZED NON-CATHOLICS COMING INTO FULL COMMUNION WITH THE CATHOLIC CHURCH

Canon 896 - Whether it is a group or an individual, no obligation except what is necessary can be imposed on the Christian faithful who have been baptized in non-Catholic Churches or ecclesial communities and who ask of their own to enter into full communion with the Catholic Church.

Canon 897 - A member of the Christian faithful of an Eastern non-Catholic Church is to be received into the Catholic Church with only the profession of the Catholic faith, after doctrinal and spiritual preparation according to each one's condition.

Canon 898 - §1. Besides the Roman Pontiff, the patriarch with the consent of the synod of bishops of the patriarchal Church, or the metropolitan of a metropolitan Church sui iuris with the consent of the council of hierarchs, can receive a bishop of an Eastern non-Catholic Church into the Catholic Church.

§2. The right of receiving anyone else into the Catholic Church pertains to the hierarch of the place, or if the particular law provides for it, also to the patriarch.

§3. The right of receiving individual lay persons into the Catholic Church belongs also to the parish priest, unless this is forbidden by particular law.

Canon 899 - The cleric of an Eastern non-Catholic Church entering into full communion with the Catholic Church can exercise his own sacred order according to the norms established by the competent authority; a bishop cannot validly exercise the power of governance except with the consent of the Roman Pontiff, head of the college of bishops.

Canon 900 - §1. One who has not yet completed his fourteenth year shall not be received if the parents are opposed to it.

§2. If from the same reception, grave inconveniences are foreseen either to the Church or to the person, the reception may be put off unless there is

imminent danger of death.

Canon 901 - If non-Catholics, who do not belong to an Eastern Church, are received into the Catholic Church, the norms given above are to be observed with the necessary adaptations, provided they have been validly baptized.

TITLE XVIII. ECUMENISM OR FOSTERING THE UNITY OF CHRISTIANS

Canon 902 - Since concern for the restoration of the unity of all Christians belongs to the entire Church, all Christian faithful, especially pastors of the Church, shall pray for that fullness of unity desired by the Lord and work zealously participating in the ecumenical work brought about by the grace of the Holy Spirit.

Canon 903 - The Eastern Catholic Churches have a special duty of fostering unity among all Eastern Churches, first of all through prayers, by the example of life, by the religious fidelity to the ancient traditions of the Eastern Churches, by mutual and better knowledge of each other, and by collaboration and brotherly respect in practice and spirit.

Canon 904 - §1. The undertakings of the ecumenical movement in every individual Church sui iuris are to be encouraged by special norms of particular law; the Apostolic Roman See directing the movement for the universal Church.

§2. For this purpose, there should be in each individual Church sui iuris a commission of experts on ecumenical matters, to be constituted, if the circumstances warrant it, in consultation with the patriarchs and eparchial bishops of other Churches sui iuris who exercise their power in the same territory.

§3. It pertains to the eparchial bishops to promote a council for ecumenical efforts for their individual eparchies, or, if it seems better, for many eparchies together; in those eparchies which cannot a have their own council, there should be at least one member of the Christian faithful appointed by the eparchial bishop with the special function of promoting this movement.

Canon 905 - In fulfilling ecumenical work especially through open and frank dialogue and common undertakings with other Christians, due prudence has to be kept avoiding the dangers of false irenicism, indifferentism and immoderate zeal.

Canon 906 - That it may become clearer to the Christian faithful what is truly taught and handed down by the Catholic Church and other Churches or ecclesial communities, a special effort is to be made by preachers of the word, those who control the means of social communication, and all who dedicate themselves as teachers or as directors to Catholic schools and especially in institutes of higher studies.

Canon 907 - Directors of schools, hospitals and other similar Catholic institutions are to see to it that other Christians who are visiting or working in the institution are able to receive spiritual aide and the sacraments from their own ministers.

Canon 908 - With due regard for the norms on communicatio in sacris, it is desirable that the Catholic faithful, undertake any project in which they could cooperate with other Christians, not alone but together, such as works for charity and social justice, defense of the dignity and the fundamental rights of the human person, promotion of peace, days of commemoration for the country, and national holidays.

TITLE XIX. PERSONS AND JURIDIC ACTS

Chapter I. Persons

Art. I. Physical Persons

Canon 909 - §1. A person who has complete the eighteenth year of age is an adult, below this age, a person is a minor.

§2. Before the completion of the seventh year a minor is called an infant and is held to be incompetent (non sui compos); with the completion of the seventh year one is presumed to have the use of reason.

§3. Whoever habitually lacks the use of reason is held to be incompetent (non sui compos) and is equated with infants.

Canon 910 - §1. An adult person enjoys the full use of his or her rights.

§2. In the exercise of his or her rights, a minor person is under the authority of parents or guardians, with the exception of those areas in which minors by divine or canon law are exempt from their power; with reference to the designation of guardians, the prescriptions of the civil law are to be followed, unless the common law or the particular law of the Church sui iuris determines otherwise, with due regard for the right of the eparchial bishop, to designate guardians himself if it is necessary.

Canon 911 - A person is called a traveler (peregrinus) when he is in a different eparchy from the one where he has a domicile or quasi-domicile and a transient (vagus) if one has neither domicile or a quasi-domicile anywhere.

Canon 912 - §1. Domicile is acquired by residence within the territory of a certain parish or at least of a eparchy, which either is joined with the intention of remaining there permanently unless called away, or has been protracted for five complete years.

§2. Quasi-domicile is acquired by residence within the territory of a certain parish or at least of a eparchy which either is joined with the intention of remaining there at least three months, unless called away, or has in fact been protracted for three months.

Canon 913 - Members of religious institutes and societies of common life in the manner of religious acquire a domicile in the place of the house to which they are attached; they acquire a quasi-domicile in the house where they are living for at least three months.

Canon 914 - Spouses may have a common domicile or quasi-domicile; either can have a proper domicile or quasi-domicile by reason of some just cause.

Canon 915 - §1. A minor necessarily keeps the domicile or quasi-domicile of the one to whose power he or she is subject. After passing beyond infancy one can also acquire a quasi-domicile of one's own; and one who has been legally emancipated according to the norm of civil law can also acquire a proper domicile.

§2. Whoever has been legally placed under the guardianship or care of another, for some reason other than minority, has the domicile or quasi-domicile of the guardian or curator.

Canon 916 - §1. Through both domicile and quasi-domicile each person acquires his or her local hierarch and pastor of the Church sui iuris in which he or she is enrolled, unless other provision is made by common law.

§2. The proper pastor of one who has neither an eparchial domicile or quasi-domicile is the pastor of the place where that person is actually staying.

§3. The proper local hierarch and pastor of a transient is the pastor of his church and the hierarch of the place where the transient is actually staying.

§4. If there is no pastor for the Christian faithful of a certain Church sui iuris, the eparchial bishop of these people can appoint the pastor of another Church sui iuris to look after them as their proper pastor, but with the consent of the eparchial bishop of the pastor who is to be appointed.

§5. In places where no exarchy has been constituted for the Christian faithful of a certain Church sui iuris, the hierarch of another Church sui iuris, even the Latin Church, of the place is to be considered the proper

hierarch of these faithful, with due regard for the prescription of can. 101; if, however, there are several hierarchs, that one is to be considered their proper hierarch who has been appointed as such by the Apostolic See or, if it is a question of Christian faithful who belong to a patriarchal Church, by the patriarch with the assent of the Apostolic See.

Canon 917 - Domicile and quasi-domicile are lost by departure from the place with the intention of not returning, with due regard for the prescriptions of cann. 913 and 915.

Canon 918 - Consanguinity is calculated through line and degrees: 1° in the direct line, there are as many degrees as there are persons, not counting the common ancestor; 2° in the collateral line, there are as many degrees as there are persons in both lines together, not counting the common ancestor.

Canon 919 - §1. Affinity arises from a valid marriage and exists between one spouse and the blood relatives of the other.

§2. A blood relative of either one of the spouses is related by affinity to the other spouse by the same line and in the same degree.

Art. II. Juridic Persons

Canon 920 - Besides physical persons, there are also in the Church juridic persons, either aggregates of persons or aggregates of things, that are subjects in canon law to the rights and obligations which correspond to their nature.

Canon 921 - §1. Juridic persons are constituted for a purpose in keeping with the Church's mission either by actual prescription of the law or by a special concession of the competent authority granted by decree.

§2. By the law itself Churches sui iuris, provinces, eparchies, exarchies as well as other institutes expressly established as such in common law are juridic persons.

§3. The competent ecclesiastical authority is not to confer juridic personality except upon those aggregates of persons or things which pursue

a truly useful purpose and, all things considered, have resources which are foreseen to be sufficient to achieve their designated end.

Canon 922 - §1. Every juridic person constituted by special concession of ecclesiastical authority must have its own statutes, approved by the authority that is competent to set it up as a juridic person.

§2. While observing common law, the statutes, to obtain approval, must contain provisions that deal more specifically with the following matters:

1° the specific purpose of the juridic person;

2° the nature of the juridic person;

3° who is responsible for the management of the juridic person and how this management is to be carried out;

4° who is to represent the juridic person in the civil and in the ecclesiastical forum; 5° who is responsible for disposing of the goods of the juridic person and, in the case of the juridic person ceasing to exist, who is the executor of the division of the goods among several juridic persons, or the merger of the goods with other juridic person, observing always the wishes of donors and acquired rights.

§3. A juridic person cannot validly transact business before its statutes have been approved.

Canon 923 - An aggregate of persons cannot be constituted as a juridic person unless it is made up of at least three physical persons.

Canon 924 - With regard to collegial acts, unless other provisions have been expressly made in law: 1° that has force of law which, when the majority of those who must be summoned are present, is decided by an absolute majority of those who are present; when the votes are equal, the person presiding can break the tie with his or her vote;

2° however, if acquired rights of individuals are affected, the consent of each of these is required; 3° concerning elections, can. 956 is to be

observed.

Canon 925 - If even one member of a collegial juridic person survives, and the aggregate of persons has not ceased to exist according to its statutes, the exercise of all of the rights of the aggregated devolves upon that one member.

Canon 926 - §1. Unless other provisions have been made in law, the goods and the rights of a juridic person which does not have any members left, must be safeguarded, administered or exercised through the care of the authority that, in the case of its extinction, is responsible for these things; this authority has the duty in accordance with the law to faithfully meet the liabilities of the goods and also to take care to see that the will of the founders or donors is meticulously observed.

§2. While observing the norms of law, the enrollment of members of this juridic person can and, according to case, must be carried out by that authority which is immediately responsible for the care of that juridic person; the same thing is to be observed if those members who still exist are by law incapable of carrying out the enrollment.

§3. The appointment of administrators for an aggregate of things devolves upon the immediately higher authority if it cannot be carried out in accordance with the law; this same authority has the duty of administration in accordance with 1, until he has appointed a suitable administrator.

Canon 927 - §1. By its nature a juridic person is perpetual; nevertheless, is ceases to exist if it is suppressed by the competent authority, or if in fact it has been inactive for a hundred years.

§2. A juridic person can be suppressed only for a serious reason, after its moderators have been consulted and the prescriptions which are laid down in the statutes concerning suppression have been observed.

Canon 928 - Except for cases mentioned in common law:

1° it is the competence of the patriarch, having consulted the permanent synod, to suppress juridic persons that have been constituted or approved by

himself; however, with the consent of the synod of bishops of the patriarchal Church, the patriarch can suppress any juridic person except those that have been set up or approved by the Apostolic See;

2° it is the responsibility of the eparchial bishop, after having consulted the college of eparchial consultors, to suppress those juridic persons that have been set up by himself, unless they have been approved by a higher authority;

3° in other cases, the authority which sets up juridic persons cannot validly suppress them without the consent of a higher authority.

Canon 929 - When the territory of a juridic person is divided in such a way that either a part of it is united to another juridic person or a distinct juridic person is established for the separated part, it is the duty of the authority who is responsible for the division to divide, in accordance with what is right and just, the goods held in common which had been destined for the good of the whole territory and the debts that had been contracted for the whole territory, while respecting each and every obligation as well as the wishes of pious founders or donors, legitimately acquired rights and the statutes by which the juridic person is governed.

Canon 930 - On the extinction of a juridic person, its goods go to the next higher juridic person, with due regard always for the wishes of the founders or donors, legitimately acquired rights and the statutes by which the extinct juridic person was governed.

Chapter II. Juridic Acts

Canon 931 - §1. For the validity of a juridic act it is required that it be placed by a person able and competent to place it, and that it include those elements which essentially constitute it as well as the formalities and requisites imposed by law for the validity of the act.

§2. A juridic act correctly placed with respect to its external elements is presumed to be valid.

Canon 932 - §1. An act placed because of extrinsic force brought to bear upon a person, which the person was not in any way able to resist, is considered null.

§2. A juridic act placed because of grave fear, which has been unjustly inflicted, or because of fraud is valid unless the law makes some other provision; but such an act can be rescinded by the sentence of a judge, either at the instance of an injured party, or that party's successors in law, or ex officio.

Canon 933 - A juridic act placed because of ignorance or error concerning an element which constitutes its substance or which amounts to a condition sine qua non is invalid; otherwise it is valid, unless the law makes some other provision. However, a juridic act placed out of ignorance or error can be the occasion for a rescissory action in accordance with the norm of law.

Canon 934 - §1. When the law determines that in order to place a juridic act a superior requires the consent or counsel of a group of persons, the group must be convoked according to the norm of can. 948, unless particular law provides otherwise for cases stated in that law when counsel only is to be sought; however, for such a juridic act to be valid it is required that the consent of an absolute majority of those present be obtained or that the counsel of all who are present be sought, taking into account 2, n. 3.

§2. When the law determines that a superior in order to place certain acts requires the consent or the counsel of certain persons as individuals:

1° if consent is required, the action of the superior is invalid if the superior does not seek the consent of those persons or acts contrary to the opinion of the persons or person; 2° if counsel is required, the action of the superior is invalid if the superior does not consult to those persons;

3° although in no way obliged to accede to their recommendation, even if it be unanimous, nevertheless the superior should not act contrary to it, especially when there is a consensus, unless there be a reason which, in the superior's judgment, is overriding.

§3. The authority which requires consent or counsel has the duty to provide those whose consent or counsel is required with the necessary information and to see that in every way they have freedom to speak their mind.

§4. All whose consent or counsel is required are obliged to offer their opinion sincerely observing secrecy, and this obligation can be insisted upon by the authority.

Canon 935 - Anyone who unlawfully inflicts damage upon someone by a juridic act, or indeed by any other act placed with malice or culpability, is obliged to compensate for the damage inflicted.

TITLE XX. OFFICES

Canon 936 - §1. An ecclesiastical office is any function constituted in a stable manner by the Lord himself or by competent authority to be exercised for a spiritual purpose.

§2. The rights and the obligations proper to individual offices are defined either in the law by which the office is constituted or in the decree of a competent authority.

§3. That authority which is competent to establish an office, can also modify and suppress an office and make canonical provision for them unless the law expressly establishes otherwise or it is clear from the nature of the case.

Canon 937 - §1. One who sets up an office must see that the means required for its fulfillment are available and that the just remuneration of those who carry out the office is provided for.

§2. The particular law of each Church sui iuris is to determine in greater detail how these requirements are to be put into effect, unless provision has already been made for certain matters by common law.

Chapter I. Canonical Provision of Offices

Canon 938 - An office cannot be validly acquired without canonical provision.

Canon 939 - Provision of an ecclesiastical office occurs by:

1° the free conferral of a competent authority;

2° if preceded by an election, through its confirmation, or if the election does not need confirmation, through acceptance by the one elected;

3° if preceded by postulation, through its admission.

Canon 940 - §1. In order to be promoted to an office, a person must be suitable, that is, endowed with those qualities which are required by law.

§2. When the person promoted to the office lacks the required qualities, the provision is null only if this is provided in the law; otherwise it is valid, but it can be rescinded by a decree of the competent authority which must act observing equity.

Canon 941 - Canonical provision, for which no term has been prescribed by law, may never be deferred beyond six available months from receipt of the news of the vacancy.

Canon 942 - Two or more offices which cannot be suitably fulfilled at the same time by the same person may not be conferred upon one person unless there is a real necessity.

Canon 943 - §1. The provision of an office which is by law not vacant is by that very fact invalid, and a subsequent vacancy does not validate the provision.

§2. But if it is a question of an office which by law is conferred for a determined period of time the Canonical provision can be made within six months before the expiration of this time, and it takes effect on the day of the vacancy of the office.

§3. A promise of an office, no matter by whom it is made, has no canonical effect.

Canon 944 - An office which is vacant by law but perhaps held by someone illegitimately can be conferred provided that according to the norm of law it is declared that the possession is not canonical and provided that this declaration is mentioned in the document of conferral.

Canon 945 - A person who confers an office, while supplying for someone who is negligent or impeded, thereby acquires no power over the person upon whom the office was conferred, and the juridic situation of that person is the same as though the provision had been made according to the ordinary norm of law.

Canon 946 - Provision of an office which has been made because of serious fear unjustly incurred, fraud, substantial error or simony is null by the law itself.

Art. I. Election

Canon 947 - §1. If a group has the right of election to office, the election, unless the law provides otherwise, is not to be deferred beyond three months of available time from receipt of the notice of vacancy of the office; if this period of time has elapsed without action, the authority having the right to confirm the election or provide for the office successively is to make provision freely for the vacant office.

§2. The competent authority can do the same thing if the group has lost its right to elect in some other way.

Canon 948 - §1. With due regard for the particular law, the presiding officer of the group shall convoke the electors at a place and time that is suitable to them; and the notice of convocation, when it must be communicated to each member personally, is valid if it is directed to the place of domicile or quasi-domicile or actual residence.

§2. If one of those to be convoked is overlooked and is therefore absent, the election is valid; however, upon the request of such a one and after proof of

the oversight and absence, the election, even if it has been confirmed, must be rescinded by the competent authority, provided that according to the norm of law it has been established that recourse was made within at least three days of receipt of the notice of the election.

§3. But if more than one-third of the electors were overlooked, the election is invalid by the law itself, unless all those overlooked were in fact present.

Canon 949 - §1. Once the convocation has taken place according to the Canons, those present on the day and in the place designated in the convocation have the right to vote; the faculty of voting by mail or by proxy is excluded, unless the law provides otherwise.

§2. If one of the electors is present in the house in which the election takes place but cannot be present for the election because of ill health, his or her written ballot is to be obtained by the tellers.

Canon 950 - Even if a person has the right to vote in his or her own name by more than one title, such a person can cast only one ballot.

Canon 951 - No one can be permitted to vote who is not a member of the group, or else the election is invalid by the law itself.

Canon 952 - If the freedom in an election was in fact impaired in any way whatever the election is invalid by the law itself.

Canon 953 - §1. A person is ineligible to vote:

1° who is incapable of placing a human act;

2° who lacks active voice;

3° who has publicly rejected the Catholic faith, or has publicly defected from communion with the Catholic Church.

§2. If one of the above has been admitted, the vote is null but the election is valid, unless it is clear that by subtracting that vote the person elected did not receive the required number of votes.

Canon 954 - §1. A vote is null, unless it is:

1° free; therefore, a vote is invalid if an elector has been coerced directly or indirectly by grave fear or by fraud to vote for a certain person or many persons disjunctively; 2° secret, certain, absolute, and determinate, any contrary custom being reprobated.

§2. Conditions appended to a vote prior to the election are to be considered as not having been appended.

Canon 955 - §1. Before the election begins at least two tellers are to be designated from the membership of the group.

§2. The tellers are to gather the ballots, determine in the presence of the presiding officer that the number of ballots is the same as the number of electors, read the ballots themselves and announce clearly how many votes each person received.

§3. If the number of ballots does not equal the number of electors the vote is invalid.

§4. The ballots are to be destroyed immediately after each ballot or after each session if several ballots have been held in the same session.

§5. The secretary is to record accurately all the acts of the election and after they have been read to the electors they are to be signed by at least the secretary, the presiding officer and the tellers and be carefully preserved in the archive of the group.

Canon 956 - §1. In elections, unless other provisions are made by common law, that action has the force of law which, when a majority of those who have to be convoked are present, receives an absolute majority of those who are present, or, after two indecisive ballots, receives a relative majority in the third ballot; if, however, the votes are equal after the third ballot, the person who is senior by age is considered elected, unless it is a question of elections among clerics alone or religious, in which cases that person is to be deemed elected who is senior by sacred ordination, or, among religious, the person who is senior by first profession.

§2. The person who presides at the election is to proclaim who has been elected.

Canon 957 - §1. The election is to be communicated immediately to the person elected in writing or in some other legitimate way.

§2. Within eight days of available time after having been notified, the person elected must inform the presiding officer of the group whether or not he or she accepts the election; otherwise the election has no effect.

§3. A person elected who does not accept loses any right deriving from the election and does not regain any such right by a subsequent acceptance; such a person however, can be elected again; the group must proceed to a new election within a month of notification of the non-acceptance.

Canon 958 - Unless other provisions are made in law, the person elected who has accepted the election immediately acquires the office with the full effects of law if the election does not require confirmation; otherwise the person acquires only the right to seek confirmation.

Canon 959 - §1. If the election requires confirmation the person elected must personally or through someone else request confirmation by the competent authority not beyond eight days of available time from the day of acceptance of the election; otherwise the person elected is deprived of any right unless it is proved that the person has been constrained from petitioning confirmation by a just impediment.

§2. Before receiving confirmation, the person may not become involved in the administration of the office, and acts placed by such a person are invalid.

Canon 960 - §1. The competent authority cannot deny confirmation if the person elected is qualified according to the norm of law and the election was conducted in accordance with the law.

§2. Once confirmation has been received the person elected acquires the office with the full effects of law, unless the law provides otherwise.

Art. II. Postulation

Canon 961 - If a canonical impediment, which can be dispensed, prevents the election of the person whom the electors believe to be more qualified and whom they prefer, they can vote to postulate such a person from the competent authority, unless something else is provided by the law.

Canon 962 - At least two-thirds of the votes are required for postulation to have any effect; or else the election proceeds as if nothing happened.

Canon 963 - §1. The group must send the postulation as soon as possible but not beyond eight days of available time to the competent authority to whom confirmation of the election belongs; this authority, if it does not have the power to dispense from the impediment and wishes to admit the postulation, must obtain a dispensation from the competent authority; if confirmation is not required, the postulation must be sent to the competent authority so that the dispensation may be granted.

§2. If the postulation has not been sent within the prescribed time, it is by the law itself invalid and the group is deprived for that instance of the right to elect, unless it is proved that sending of the postulation had been constrained by a just impediment.

§3. The one postulated acquires no right from the postulation; the competent authority is not obliged to admit it.

§4. The electors cannot revoke a postulation already sent to a competent authority.

Canon 964 - §1. If the postulation has not been admitted by the competent authority the right of electing reverts to the group.

§2. The admission of the postulation is to be made known immediately to the one postulated observing can. 957, §§2 and 3

§3. The person who accepts the postulation which has been admitted immediately acquires the office with the full effects of law.

Chapter II. Loss of Office

Canon 965 - §1. Office is lost, besides other cases prescribed by law, by the lapse of a determined time, by reaching the age determined by the law, by resignation, by transfer, by removal and by privation.

§2. An office is not lost by the expiration in any way of the authority of the one who conferred it, unless the law provides otherwise.

§3. Loss of office by lapse of the determined time or by reaching a certain age takes effect only from the moment when it has been communicated in writing by the competent authority.

§4. The title of emeritus can be conferred upon the person who loses an office by reason of age determined by law or by a resignation which has been accepted.

Canon 966 - Once it has taken effect, the loss of an office is to be made known as soon as possible to all who enjoy any right with respect to the canonical provision of the office.

Art. I. Resignation

Canon 967 - A person of sound mind can resign an office for a just cause.

Canon 968 - A resignation submitted out of grave fear, which has been unjustly inflicted, or because of fraud, substantial error or simony is invalid by the law itself.

Canon 969 - To be valid a resignation must be submitted to the authority who is responsible for the canonical provision of the office, and this is to be done in writing or orally in the presence of two witnesses; unless acceptance is required, it takes effect immediately.

Canon 970 - §1. A resignation which requires acceptance takes effect after acceptance of the resignation has been communicated to the person resigning; if, however, acceptance of the resignation has not been

communicated to the person resigning within three months the resignation lacks all effect.

§2. A resignation can be withdrawn by the one resigning as long as it has not yet been accepted.

§3. The authority is not to accept a resignation which is not based on a just and proportionate cause.

Canon 971 - A person who has resigned an office can obtain the same office by some other title.

Art. II. Transfer

Canon 972 - §1. Transfer can be effected only by one who has the right of providing for the office which is being lost as well as for the office which is being conferred.

§2. If a transfer is to be made against the will of the one who holds the office, with due regard for the norms concerning members of religious institutes or of societies of common life in the manner of religious, a grave cause is required and the procedure prescribed by law is to be observed with due regard for the right to bring forward arguments against the transfer.

§3. To take effect a transfer must be communicated in writing.

Canon 973 - §1. In the case of a transfer, the prior office becomes vacant through canonical possession of the other office unless the law provides otherwise or something else is prescribed by the competent authority.

§2. The person transferred continues to receive the compensation assigned to the prior office until taking canonical possession of the other office.

Art. III. Removal

Canon 974 - §1. A person is removed from office either by a decree legitimately issued by a competent authority, with due regard for rights which may have been acquired by contract, or by the law itself according to the norm of can. 976.

§2. In order to be effective the decree of removal must be communicated in writing.

Canon 975 - §1. Unless other provisions are made in law, a person cannot be removed from an office conferred for an indefinite period of time except for grave reasons and according to the procedure determined by law; the same holds for the removal of someone from an office conferred for a determined period of time before the term has expired.

§2. When, in accordance with the prescriptions of law, an office has been conferred on someone at the prudent discretion of a competent authority, that person can be removed from office for a cause which is, in the judgment of the same authority, considered just with due regard for equity.

Canon 976 - §1. One is removed from an ecclesiastical office by the law itself: 1° who has lost the clerical state;

2° who has publicly defected from the Catholic faith or from the communion of the Catholic Church; 3° a cleric who has attempted marriage even if only civilly.

§2. The removal from office referred to in 1, nn. 2 and 3 can be enforced only if it is established by the declaration of a competent authority.

Canon 977 - If a person is removed from office which is the source of financial support, not by the law itself, but by a decree of the competent authority, this same authority is to take care such support is seen to for a suitable time, unless it is provided otherwise.

Art. IV. Privation

Canon 978 - Deprivation of office can be inflicted only as a penalty for an offense.

TITLE XXI. THE POWER OF GOVERNANCE

Canon 979 - §1. In accordance with the norm of law, those who have received sacred orders are capable of the power of governance, which exists in the Church by divine institution.

§2. Other members of the Christian faithful can cooperate in the exercise of the power of governance in accordance with the norm of law.

Canon 980 - §1. The power of governance is exercised in the external forum or in the internal sacramental or non-sacramental forum.

§2. If the power of governance is exercised only for the internal forum, the effects which its exercise would normally have in the external forum are not acknowledged in that forum except insofar as the law provides for this in certain cases.

Canon 981 - §1. The ordinary power of governance is that which is joined to a certain office by the law itself; delegated power is that which is granted to a person, but not by means of an office.

§2. The ordinary power of governance can be either proper or vicarious.

Canon 982 - §1. Habitual faculties are governed by the prescriptions for delegated power.

§2. However, unless otherwise expressly provided in the grant of faculties or unless a hierarch was chosen for his personal qualifications, a habitual faculty granted to a hierarch is not withdrawn when that hierarch's authority ceases, but it transfers to any hierarch who succeeds him in governance.

Canon 983 - §1. The burden of proving delegation rests with the person who claims to have been delegated.

§2. A delegate who exceeds the limits of the mandate with respect to matters or to persons acts invalidly.

§3. A delegate who acts in delegated matters in a manner other than that determined in the mandate is not considered to have exceeded the limits of the mandate unless the manner of acting is prescribed for validity by the one delegating.

Canon 984 - §1. Besides the Roman Pontiff, a hierarch is understood to mean, first of all, a patriarch, a major archbishop, a metropolitan who presides over a Church sui iuris, and an eparchial bishop, as well as one who for a time succeed these in governance in accordance with the law.

§2. Besides the Roman Pontiff, local hierarchs are the eparchial bishop, the exarch, the apostolic administrator, as well as those who for a time legitimately succeed them in governance in their absence, also the protosyncellus and the syncellus; however, the patriarch, the major archbishop, the metropolitan who is head of a Church sui iuris, as well as those who for a time succeed them in governance in accordance with the law, are local hierarchs only with regard to the eparchy which they govern, with due regard for can. 101.

§3. Major superiors in institutes of consecrated life, who have ordinary power of governance, are also hierarchs, but they are not local hierarchs.

Canon 985 - §1. The power of governance is distinguished as legislative, executive and judicial.

§2. Legislative power is to be exercised in the manner prescribed by law, and that legislative power in the Church possessed by a legislator below the highest Church authority cannot be validly delegated, unless otherwise explicitly provided for in the common law; a law which is contrary to a higher law cannot be validly enacted by a lower level legislator.

§3. Judicial power, which is possessed by judges or judicial colleges, is to be exercised in the manner prescribed by law and cannot be delegated, except to carry out acts which are preparatory to a decree or a sentence.

Canon 986 - A person can exercise executive power over his subjects, even though he himself is outside his own territorial boundaries and even when they are outside his territory, unless common law provides otherwise or the

contrary is certain from the nature of the case; he can also exercise this power over travelers actually present in his territory, provided it is a matter of granting favors or of enforcing either common laws or particular laws by which they are bound according to the norm of can. 1491, §3.

Canon 987 - Those things which are in the realm of executive power of governance either by common law or by particular law of a Church sui iuris are attributed by name to the eparchial bishop, are understood to belong only to the eparchial bishop and to the exarch, to the exclusion of the protosyncellus and the syncelli, unless there is a special mandate.

Canon 988 - §1. Ordinary executive power can be delegated either for a single act or for all cases, unless the law expressly provides otherwise.

§2. Executive power delegated by the Apostolic See or by the patriarch can be subdelegated, whether for a single act or for all cases, unless the delegation is granted in view of the special qualifications of the delegate or unless subdelegation is expressly prohibited.

§3. If executive power delegated by another authority having ordinary power was delegated for all cases, it can be subdelegated only for individual cases; if, however, it is delegated for a single act or for a determined act it cannot be subdelegated except by the expressed grant of the one delegating.

§4. No subdelegated power can be again subdelegated validly, unless this has been expressly granted by the one delegating.

Canon 989 - Ordinary executive power as well as power delegated for all cases is to be broadly interpreted; any other is to be strictly interpreted; however, a person who has received delegated power is understood to have also been granted whatever is necessary to exercise that power.

Canon 990 - §1. Executive power delegated to several persons is presumed to have been delegated to them individually.

§2. When several persons have been delegated individually to transact the same business, the one who first undertakes to deal with it excludes the

others from acting, unless thereafter that person is impeded or does not wish to proceed further in treating the matter.

§3. When several persons have been delegated to transact some business collegially, all must proceed according to the established prescription of collegial acts, unless some other provision is made in their mandate.

Canon 991 - §1. Ordinary power ceases by the loss of the office to which it is connected.

§2. Unless the law provides otherwise, ordinary power is suspended in the event that a privation of or removal from office is legitimately appealed or recourse taken.

Canon 992 - §1. Delegated power ceases by fulfillment of the mandate, by the lapse of the time or by the completion of the number of cases for which it was granted, by cessation of the final cause of the delegation, by the revocation of the one delegating directly communicated to the delegate, as well as by the resignation of the delegate made known to and accepted by the one delegating; it does not cease, however, by the expiration of the authority of the one delegating, unless this is clear from clauses appended to the grant.

§2. An act of delegated power which is exercised only for the internal forum and which is placed inadvertently after the lapse of time or after the completion of case for which is was granted, is valid.

Canon 993 - Executive power of governance is not suspended by the fact that recourse has been made, unless other provision is expressly made by common law.

Canon 994 - In factual or legal common error, and also in positive and probable doubt about law or about fact, the Church supplies executive power of governance both for the external and for the internal forum.

Canon 995 - The prescriptions of law concerning executive power of governance apply, unless common law provides otherwise or it is evident from the nature of the matter, also for the power spoken of in cann.

441, §1 and 511, §1 and for the faculties which are required by law for the valid celebration or administration of sacraments.

TITLE XXII. RECOURSE AGAINST ADMINISTRATIVE DECREES

Canon 996 - What is determined concerning decrees in the canons of this title is also to be applied to all particular administrative acts which are placed by any legitimate power in the Church in the external forum outside of a trial with the exception of those issued by the Roman Pontiff or an ecumenical council.

Canon 997 - §1. One who considers himself to be injured by a decree can make recourse to the superior authority of the one who gave the decree according to the norm of law.

§2. The first recourse against decrees of the protosyncellus or the syncelli is made to the eparchial bishop; against those who act by delegated power, recourse is made to the one who gave the delegation.

Canon 998 - §1. It is very desirable that whenever someone feels injured by a decree, there not be a dispute between this person and the author of the decree but that they seek to find an equitable solution between them, perhaps through the use of wise persons in mediation or study so that through a voluntary emendation of the decree or through just compensation or by some other suitable means the controversy may be avoided.

§2. The superior authority should encourage the parties to do this before he receives the appeal.

Canon 999 - §1. Before proposing some recourse, a person must seek the revocation or emendation of the decree in writing from its author within a peremptory period of ten days from legal notice of the decree; when such a petition is proposed it is understood by the law itself that the suspension of the execution of the decree is also being petitioned.

§2. The obligation of petitioning the revocation or emendation of a decree does not bind if it concerns the first recourse against a decree mentioned in can. 997, §2, or if it concerns further recourse except for recourse against decrees of the eparchial bishop, by which a first recourse has been decided.

Canon 1000 - §1. In cases in which recourse suspends the execution of the decree, the petition also has the same effect as that mentioned in can. 999, §1.

§2. In other cases, unless within ten days from the receipt of the petition, the author of the decree suspends its execution, a suspension can meanwhile be petitioned from his superior authority who can decide it only for grave reasons and always cautiously lest the salvation of souls be injured in some way; if recourse is proposed later, the authority who must deal with the recourse is to determine whether the suspension is to be confirmed or revoked.

§3. If no recourse is proposed against the decree within the stated period or if recourse is sought only for the reparation of damages, the suspension of the execution ceases by the law itself.

Canon 1001 - §1. Recourse must be proposed within a peremptory period of fifteen days.

§2. The period of fifteen days runs:

1° in a case in which the petition of revocation or emendation of the decree is permitted, from the day the decree is made known the party by which the author amended the prior decree or rejected the petition, or, if he decrees nothing, from the thirtieth day from the receipt of the petition; 2° in other cases, from the day on which the decree is made known to the party.

Canon 1002 - The superior authority must issue a decree by which the recourse is decided within sixty days of receipt of the recourse unless the particular law of the proper Church sui iuris states otherwise; if it is not done and the person making recourse petitions in writing that the decree be made, from the thirtieth day after receipt of the petition, if still nothing is done, the recourse is considered rejected as if it was rejected on that day by a decree, and a new recourse can be proposed against him.

Canon 1003 - In recourse against an administrative decree can. 1517 is to be observed with due adaptations being made; the person making the recourse also has the right of employing an advocate or procurator, avoiding

useless delays; furthermore an advocate can be constituted ex officio if the person making the recourse lacks an advocate and the superior authority considers it necessary; the superior authority can always order the person making the recourse to appear so that he or she can be questioned.

Canon 1004 - The superior authority who examines the recourse, is able not only to confirm or declare the decree null, but also to rescind or revoke it, but the superior authority cannot amend it unless by the particular law of the Church sui iuris this power is also accorded to the superior authority.

Canon 1005 - Even if a decree from a superior authority is confirmed, declared null, rescinded, revoked, or amended, in regard to the reparation of damages, if perhaps they are owed, the one who gave the first decree should respond; the superior authority should respond only to the extent of the damages which arose from its decree.

Canon 1006 - Even if it is a case of decrees which concern the eparchy of the patriarch or a decree by which the patriarch has decided recourse, recourse against administrative decrees of patriarchs is made to a special group of bishops constituted according to the norm of particular law, unless the question is deferred to the Apostolic See; against the decision of this group one is not given further recourse except by appeal to the Roman Pontiff himself.

TITLE XXIII. THE TEMPORAL GOODS OF THE CHURCH

Canon 1007 - In looking after the spiritual well-being of people, the Church needs and uses temporal goods, inasmuch as its proper mission demands it; therefore it has an innate right of acquiring, possessing, administering and alienating those temporal goods that are necessary to pursue its proper ends, especially for divine worship, works of the apostolate and of charity and fitting support of ministers.

Canon 1008 - §1. The Roman Pontiff is the supreme administrator and steward of all ecclesiastical goods.

§2. Under the supreme authority of the Roman Pontiff, ownership of temporal goods of the Church belongs to that juridic person which has lawfully acquired them.

Canon 1009 - §1. All juridic persons are capable of acquiring, possessing, administering and alienating temporal goods in accordance with the norm of canon law.

§2. All temporal goods which belong to juridic persons are ecclesiastical goods.

Chapter I. The Acquisition of Temporal Goods

Canon 1010 - Juridic persons can acquire temporal goods by every just means permitted to others.

Canon 1011 - The competent authority has the right to require from the Christian faithful whatever is necessary to attain the ends proper to the Church.

Canon 1012 - §1. Whenever it is necessary for the good of the eparchy, the eparchial bishop has the right, with the consent of the finance council, to impose a tax on juridic persons subject to his authority and which should be proportionate to their income; no tax can be imposed on the offerings received on the occasion of the celebration of the Divine Liturgy.

§2. A tax can be levied on physical persons only according to the particular law of their own Church sui iuris.

Canon 1013 - §1. The eparchial bishop has the right, within the limits set by the particular law of his own Church sui iuris, to fix the amount of the taxes for the various acts of the power of governance and of the offerings made on the occasion of the celebration of the Divine Liturgy, of the sacraments, of the sacramentals and of any other liturgical celebrations, unless common law provides otherwise.

§2. Patriarchs and eparchial bishops from various Churches who exercise their power within the same territory are to see, after consultation with each other, that same norms on taxes and offerings be established.

Canon 1014 - In all the Churches which are habitually open to the Christian faithful, the eparchial bishop may prescribe the taking up of collections for specific projects of the Church.

Canon 1015 - Physical and juridic persons cannot collect alms without the permission of the authority they are subject to and without the written consent of the hierarch of the place where the alms are collected.

Canon 1016 - §1. The offerings given for a definitive purpose can be applied only for that same purpose.

§2. Unless the contrary is clear, the offerings given to the moderators or administrators of any juridic person are presumed to be given to that juridic person.

§3. These offerings cannot be refused without a just cause and, in matters of greater importance, without the permission of the hierarch; with due regard to the prescriptions of can. 1042, the permission of the same hierarch is required for the acceptance of those offerings to which are attached a condition or a moral obligation.

Canon 1017 - The Church also admits prescription for temporal goods, according to the norms of can. 1540-1542.

Canon 1018 - If sacred objects, that is, those things which are destined for divine worship through dedication or a blessing, are privately owned, they may be acquired by private persons by means of prescription, but they may not be used for profane uses unless they have lost their dedication or blessing; if, however, they belong to an ecclesiastical juridic person, they can be acquired only by another ecclesiastical juridic person.

Canon 1019 - Immovable property, precious movable property, that is, those things which are especially important due to artistic, historical or material value, personal or real rights and claims, which belong to the Apostolic See, are prescribed after a period of one hundred years; those which belong to some Church sui iuris or to an eparchy are prescribed after a period of fifty years; those which belong to another juridic person are prescribed after a period of thirty years.

Canon 1020 - §1. Every authority is under the grave obligation to see that the temporal goods acquired by the Church be registered in the name of the juridic person to which they belong, with due regard for the prescriptions of civil law which safeguard the rights of the Church.

§2. If civil law does not allow temporal goods to be registered in the name of a juridic person; the same authority is to see that the rights of the Church

remain protected by using appropriate ways valid in civil law, after having heard experts in civil law and the appropriate council.

§3. These prescriptions are to be observed even as regards the temporal goods lawfully possessed by a juridic person, but whose acquisition is not yet confirmed by documents.

§4. The immediately higher authority is bound to urge the observance of these prescriptions.

Canon 1021 - §1. Unless other provisions have been made, each eparchy, according to the particular law of the proper Church sui iuris of which it is a part, is to have a special fund which collects goods and offerings, and whose purpose is to provide appropriately for the decent and fundamentally equal support of all the clerics who serve the eparchy.

§2. Wherever social security and health insurance have not yet been suitably arranged for the clergy, the particular law of each Church sui iuris will provide for the creation of institutes safeguarding these benefits and put them under the vigilance of the local hierarch.

§3. Insofar as it is necessary, each eparchy is to establish a general fund according to a manner defined by the particular law of its own Church sui iuris, through which the eparchial bishops can satisfy obligations towards other persons who serve the Church as well as meet the various needs of the eparchy; this fund can also be the means through which the wealthier eparchies can aid the poorer ones.

Chapter II. The Administration of Ecclesiastical Goods

Canon 1022 - §1. It is the responsibility of the eparchial bishop to supervise the administration of all the ecclesiastical goods which are within the boundaries of the eparchy and are not exempt from his power of governance, with due regard for lawful titles giving him greater rights.

§2. Hierarchs are to see that the entire administration of ecclesiastical goods be suitably organized, by issuing appropriate instructions within the limits of common law and of the particular law of their own Church sui iuris and with due regard for rights, legitimate customs and circumstances.

Canon 1023 - Unless the law provides otherwise, the administration of the ecclesiastical goods of a juridic person is the responsibility of the one who immediately governs it.

Canon 1024 - §1. An administrator cannot act validly beyond the limits and procedures of ordinary administration, unless written consent has been given by competent authority.

§2. The acts which go beyond the limits and procedures of ordinary administration are to be defined in the statutes; if, however, the statutes do not mention such acts, it is within the competence of the authority to whom the juridic person is immediately subject to determine those acts, after having consulted the appropriate council.

§3. Unless and to the extent that it is to its own advantage, a juridic person is not held to answer for the invalid acts of its administrators.

Canon 1025 - Before taking office, an administrator of ecclesiastical goods is to: 1° promise before the hierarch or his delegate to conscientiously fulfill his office; and 2° sign an accurate inventory, reviewed by the hierarch, of the ecclesiastical goods committed to his care.

Canon 1026 - One copy of the inventory of ecclesiastical goods is to be kept in the archives of the juridic person to which they belong, the other copy is to be kept in the archives of the eparchial curia; any change

whatever which the stable patrimony of that juridic person may undergo is to be noted on each copy.

Canon 1027 - Authorities shall see to it that the administrators of ecclesiastical goods be sufficiently bonded according to civil law, so that the Church may suffer no harm in the case of the death or the cessation from office of these administrators.

Canon 1028 - §1. Each administrator of ecclesiastical goods is bound to fulfill his office with the diligence of a good householder.

§2. For this reason he especially must:

1° take care that none of the ecclesiastical goods entrusted to his care are in any way lost or damaged and take out insurance policies for this purpose, insofar as it is necessary; 2° observe the prescriptions of both canon and civil law as well as those imposed by the founder, donor or legitimate authority; he must especially be on guard lest the Church be harmed through the nonobservance of civil laws;

3° accurately collect the income and produce of goods when they are legally due, safeguard them once collected and apply them according to the intention of the founder or according to legitimate norms; 4° see to it that the interest on loans or on mortgages be paid when it is due and take care that the capital be repaid in due time;

5° with the consent of the hierarch, invest the money which is surplus after expenses and which can be profitably allocated for the goals of the Church or of the juridic person; 6° keep well ordered books of receipts and expenditures;

7° draw up a report on his administration at the end of each year; 8° keep in order and preserve in an archive the documents establishing the rights of the juridic person to its ecclesiastical goods; where it can be done conveniently, deposit authentic copies in the archives of the eparchial curia.

§3. It is strongly recommended that administrators draw up each year a budget of receipts and expenditures; however, it is left to particular law to

make this an obligation and to determine more precisely how it is to be presented.

Canon 1029 - An administrator of ecclesiastical goods shall not make donations from movable goods which do not pertain to the stable patrimony, unless it is for a just cause of piety or charity or that these donations are in moderate amounts and according to legitimate custom.

Canon 1030 - An administrator of ecclesiastical goods:

1° is to observe meticulously, according to Church principles, the civil laws pertaining to labor and social policy in the employment of workers;

2° is to pay employees a just and decent wage so that they may provide appropriately for their needs and those of their dependents.

Canon 1031 - §1. An administrator of ecclesiastical goods is to present an annual report on his administration to his own hierarch; any contrary custom is reprobated.

§2. An administrator is to publicly render an account, in the manner provided for by particular law, of the goods given to the Church, unless the local hierarch judges that the Church would be harmed by such an account.

Canon 1032 - An administrator of ecclesiastical goods is neither to initiate nor to contest a lawsuit in civil court, unless he obtains the permission of his own hierarch.

Canon 1033 - An administrator of ecclesiastical goods who relinquishes an office or function on his own initiative is bound to restitution, if the Church is harmed by such an arbitrary abandonment of duty.

Chapter III. Contracts and Especially Alienations

Canon 1034 - Whatever general and specific regulations on contracts and payments are determined by the civil law of the territory where the contract is entered, are to be observed in canon law with the same effects in the matters which are subject to the power of the Church.

Canon 1035 - §1. In order to alienate ecclesiastical goods which through lawful designation constitute the stable patrimony of the juridic person, it is required that there be: 1° a just cause such as urgent necessity, evident advantage, piety, charity or a pastoral reason; 2° a written expert valuation of the goods to be alienated;

3° the written consent of the competent authority, without which the alienation is invalid.

§2. Other safeguards prescribed by competent authority are also to be observed to prevent loss to the Church.

Canon 1036 - §1. When the value of the ecclesiastical goods whose alienation is proposed falls between the minimum and the maximum established by the synod of bishops of the patriarchal Church or by the Apostolic See, consent is required of:

1° the finance council and the college of consultors of the eparchy for the goods of the eparchy; 2° the eparchial bishop, who gets in each case the consent of the finance council and the college of consultors of the eparchy, for the goods of juridic persons subject to that eparchial bishop; 3° the authority determined in typicon or the statutes for goods of juridic persons not subject to the eparchial bishop.

§2. In patriarchal Churches, if the value of goods exceeds the maximum established by the synod of bishops of the patriarchal Church, but is not double, consent is required of: 1° the patriarch with the consent of the permanent synod, for the goods of an eparchy within the territorial boundaries of the patriarchal Church, unless the particular law of that Church determines otherwise; 2° the eparchial bishop and the patriarch who

has the consent of the permanent synod for goods of a juridic person subject to an eparchial bishop who exercises his power within the territorial boundaries of the patriarchal Church;

3° the patriarch who has the consent of the permanent synod for those goods of a juridic person not subject to an eparchial bishop, even if pontifical right, within the territorial boundaries of the patriarchal Church.

§3. In a patriarchal Church, if the value of the goods is more than double the amount set by the synod of bishops of the patriarch Church, or if it is a case of precious goods or of goods donated to the Church from a vow, 2 is to be followed but the patriarch needs the consent of the same synod.

§4. In other cases the consent of the Apostolic See is required if the value of the goods exceeds the sum it established or approved or in the case of precious goods or goods donated to the Church by reason of a vow.

Canon 1037 - To alienate the temporal goods of a patriarchal Church or of a patriarchal eparchy, the patriarch needs:

1° the counsel of the permanent synod if the value of the goods is between the minimum and maximum amount established by the synod of bishops of the patriarchal Church for the goods of the patriarchate; for the goods of an eparchy of the patriarchate, can. 1036, §1, n. 1 is to be followed; 2° the consent of the permanent synod if the value of the goods exceeds but is not double the maximum amount established by the synod of bishops of the patriarchal Church; 3° the consent of the synod of bishops of the patriarchal Church if the value of the goods is more than double the value or if the case involves precious goods or those things given to the Church by reason of a vow.

Canon 1038 - §1. Those whose advice, consent or confirmation is required by law for the alienation of ecclesiastical goods shall not give their advice, consent or confirmation before having been thoroughly informed on the economic situation of the juridic person whose temporal goods are proposed for alienation as well as on previous alienations.

§2. Advice, consent and confirmation are considered as not to have been given, unless they request lists of the alienations which have already been made.

Canon 1039 - The consent of all interested parties is required for any kind of alienation.

Canon 1040 - Whenever ecclesiastical goods are alienated contrary to the prescriptions of canon law, but the alienation is civilly valid, the authority superior to the one who carried out the alienation decides, after a thorough review of the situation, whether and what type of action is to be taken to vindicate the rights of the Church as well as by whom and against whom this action is to be taken.

Canon 1041 - Unless they are of little value, ecclesiastical goods are not to be sold or leased out to their own administrators or to their relatives up to the fourth degree of consanguinity or affinity without the special permission of the authority mentioned in cann. 1036 and 1037.

Canon 1042 - The prescriptions of cann. 1035 -1041 must be observed not only in alienations, but also in any business transaction by reason of which the patrimonial condition of juridic persons can be worsened.

Chapter IV. Pious Wills and Pious Foundations

Canon 1043 - §1. Those who in virtue of natural or canon law can freely dispose of their goods can leave them to pious causes either by an act which becomes effective during life or at death.

§2. The prescriptions of civil law are as far as possible to be observed in the last wishes made for the good of the Church; if these prescriptions are not observed, the heirs must be advised of their obligation to fulfill the will of the testator.

Canon 1044 - The intentions of the Christian faithful who give or leave their goods to pious causes whether by an act that becomes effective during life or at death, once they have been lawfully accepted, are to be scrupulously fulfilled even as regards the manner of the administration and distribution of the goods, without prejudice to the provisions of can. 1045.

Canon 1045 - §1. The hierarch is the executor of all pious wills, whether made they be made during life or on the occasion of death.

§2. In virtue of this right the hierarch can and must exercise vigilance, even by making visitations, so that pious wills are fulfilled; other executors must render him an account concerning the performance of their duty.

§3. Stipulations added to last wills and contrary to this right of the hierarch are to be regarded as nonexistent.

Canon 1046 - §1. A person who accepts to be a trustee for goods bequeathed for pious causes whether by an act made during life or at death, must inform his own hierarch of this trusteeship and list all the goods that are entrusted to him along with the obligations attached to them; if, however, the donor expressly and completely prohibits this, the person is not to accept the trust.

§2. The hierarch must demand that the goods held in trust be safeguarded and, in accordance with can.

1045, §2, ensure that the pious will is executed.

§3. When goods are committed in trust to a member of a religious institute or of a society of common life in the manner of the religious, and have been designated for the assistance of the Churches of a place or an eparchy, or of the Christian faithful whose domicile is there, or of pious causes, the hierarch mentioned in 1 and 2 is the hierarch of that place.

Canon 1047 - §1. In the law pious foundations are:

1° autonomous pious foundations, that is, aggregates of things destined to works of piety, of the apostolate and of charity, whether spiritual or temporal, and established as a juridic person by competent authority;

2° non-autonomous pious foundations, that is, temporal goods given in any manner to a juridic person and carrying with them the long-term obligation, to be determined by particular law, to arrange from the annual income to pursue the purposes mentioned in n. 1.

§2. If the temporal goods of a non-autonomous foundation are entrusted to a juridic person subject to an eparchial bishop, they are to be remanded to the fund mentioned in can. 1021, §1, on the expiration of the time specified, unless another intention was expressly manifested by the donor; otherwise they fall to that juridic person.

Canon 1048 - §1. Autonomous pious foundations can be constituted only by an eparchial bishop or another higher authority.

§2. In order for a non-autonomous foundation to be validly accepted by a juridic person, the written consent of the local hierarch is necessary; he is not to give his consent until he has lawfully established that the juridic person can fulfill the new obligation as well as those already accepted; the same hierarch is to take special care that the income entirely corresponds to the attached obligations in accordance with the customs of his own Church sui iuris.

§3. Further conditions, without which pious foundations cannot be constituted or accepted, are to be defined in particular law.

Canon 1049 - The hierarch who constituted a pious foundation or gave his consent to the acceptance of one, immediately designates a safe place in which money and movable goods assigned as an endowment will be deposited, so that the money or the value of the movable goods is safeguarded; as soon as possible, they are to be carefully and profitably invested for the benefit of the foundation with an express and specific mention of the obligations undertaken; the investment is to be made in accordance with the prudent judgment of the hierarch, who is to consult the interested parties and the appropriate council.

Canon 1050 - A copy of the articles of foundation is to be filed in the eparchial archive and another copy is to be filed in the archive of the juridic person.

Canon 1051 - §1. When the provisions of cann. 1044-1046 and 1031 have be observed, a list of obligations arising from pious foundations is to be drawn up and retained in a conspicuous place lest the obligations to be fulfilled be neglected.

§2. A book is to be kept by the pastor or the rector of the church in which the individual obligations, their fulfillment and the offerings are recorded.

Canon 1052 - §1. The reduction of obligations of celebrating the Divine Liturgy is reserved to the Apostolic See.

§2. If it is expressly provided for in the articles of the foundation, the hierarch may reduce obligations of celebrating the Divine Liturgy because of diminished income.

§3. The eparchial bishop has the power, when income diminishes, of reducing the number of celebrations of the Divine Liturgy in conformity with the level of the offerings legitimately established in the eparchy, for as long as this diminishment of income continues, provided that there is no one who has an obligation to increase the offering and can successfully be made to do so.

§4. The eparchial bishop also has the power of reducing the obligation of celebrating the Divine Liturgy which bind ecclesiastical institutes if the

income proves insufficient to pursue the goals that were able to be pursued at the time the obligations were accepted.

§5. The powers mentioned in 3 and 4 are also enjoyed by the superiors general of clerical religious institutes or societies of common life in the manner of religious of pontifical or patriarchal right.

§6. The eparchial bishop can delegate the powers mentioned in 3 and 4 only to a coadjutor bishop, auxiliary bishop, protosyncellus or syncellus, to the exclusion of any subdelegation.

Canon 1053 - The same authorities mentioned in can. 1052 also enjoy the power of transferring for a just reason the obligations of celebrating the Divine Liturgy to days or institutes different from those determined in the foundation.

Canon 1054 - §1. The hierarch, only for a just and necessary reason, may reduce, moderate or commute the intentions of the Christian faithful who give or leave their goods to pious causes, provided such power has been expressly granted that hierarch by the founder.

§2. If, through no fault of the administrators, the fulfillment of the obligations becomes impossible due to diminished income or some other reason, the hierarch can diminish them equitably after consulting the interested parties and the appropriate council, with due regard for the will of the founder as much as possible and for the prescriptions of can. 1052.

§3. In other cases, the Apostolic See or the patriarch is to be approached; but the latter may act only with the consent of the permanent synod.

TITLE XXIV. TRIALS IN GENERAL

Canon 1055 - §1. The object of a trial is:

1° to prosecute or to vindicate the rights of physical or juridic person, or to declare juridic facts; 2° to impose the penalty for offenses.

§2. However, in controversies which have arisen from an act of executive power of governance the superior authority in accordance with cann. 996-1006, alone is competent.

Canon 1056 - In cases which are reserved to a dicastery of the Apostolic See, tribunals must follow the norms established by that dicastery.

Canon 1057 - In causes of the servants of God whereby they are inscribed among the saints, the special norms determined by the Roman Pontiff are to be observed.

Chapter I. The Competent Forum

Canon 1058 - The Roman Pontiff is judged by no one.

Canon 1059 - §1. In virtue of the primacy of the Roman Pontiff, anyone of the Christian faithful is free to bring a case at any stage and in any grade of judgment before the Roman Pontiff; since he is the supreme judge for the entire Catholic world and he acts either personally or through tribunals of the Apostolic See or through judges delegated by him.

§2. This recourse made to the Roman Pontiff, however, does not suspend the exercise of power by a judge who has already begun to adjudicate the case except in the case of an appeal; for this reason, the judge can pursue judgment up to the definitive sentence unless it is evident that the Roman Pontiff has called the case to himself.

Canon 1060 - §1. The Roman Pontiff himself alone has the right to judge:
1° patriarchs;

2° bishops in penal cases;

3° those who hold the highest civil office in a state;

4° other cases which he has called to his own judgment.

§2. With the exception of bishops exercising their power within the territorial boundaries of the patriarchal Church, other bishops are to be judged in contentious cases by the tribunal designated by the Roman Pontiff with due regard for can. 1066, §2.

§3. A judge cannot review an act or document explicitly (in forma specifica) confirmed by the Roman Pontiff without his prior mandate.

Canon 1061 - Persons, whether physical persons who are not bishops or juridic persons who do not have a superior authority below the Roman Pontiff, are to be judged before the tribunals of the Apostolic See, with due regard for can. 1063, §4, nn. 3 and 4.

Canon 1062 - §1. The synod of bishops of the patriarchal Church, with due regard for the competence of the Apostolic See, constitutes the highest tribunal within the territorial boundaries of the patriarchal Church.

§2. The synod of bishops of the patriarchal Church shall elect by secret ballot for a five-year term, and from among its members, a general moderator for the administration of justice, as well as two bishops who with him shall constitute a tribunal; if, however, one of the three bishops is party in the case, or is unable to be present, the patriarch with the consent of the permanent synod is to substitute another bishop; likewise, in the case where an objection has been raised, the patriarch is to act in like manner with the consent of the permanent synod.

§3. This tribunal is to judge the contentious cases either of eparchies or of bishops, even titular bishops.

§4. Appeal in these cases is to be made to the synod of bishops of patriarchal Church without any further appeal, with due regard for can. 1059.

§5. The general moderator for the administration of justice has the right of vigilance over all tribunals within the territorial boundaries of the patriarchal Church, as well as the right of deciding when objections are raised against a judge of an ordinary tribunal of the patriarchal Church.

Canon 1063 - §1. The patriarch is to establish an ordinary tribunal for the patriarchal Church, distinct from the tribunal of the patriarch's eparchy.

§2. This tribunal is to have its own president, judges, promoter of justice, defenders of the bond as well as other necessary officials, appointed by the patriarch with the consent of the permanent synod; the president, the judges, the promoter of justice and the defenders of the bond cannot be removed from office except by the synod of bishops of the patriarchal Church; however, the patriarch alone may accept a resignation from office.

§3. This tribunal is the appellate tribunal in second and further instances with the assistance of judges who serve in rotation, for cases already judged in lower tribunals; this tribunal has also the rights of a metropolitan tribunal

in those parts of the patriarchal Church where provinces have not been established.

§4. This tribunal is competent to judge in first and in succeeding instances, by judges who serve in rotation, the cases of:

1° exarchs and delegates of the patriarch who are not bishops; 2° physical or juridic persons immediately subject to the patriarch; 3° institutes of consecrated life of pontifical right;

4° superiors of institutes of consecrated life of pontifical right, who do not have a superior within the same institute who possesses judicial power;

5° those other cases reserved to this tribunal by a prescription of particular law.

Canon 1064 - §1. The metropolitan tribunal which is not distinct from the tribunal of the eparchy of the metropolitan is the appellate tribunal for sentences of the eparchial tribunals.

§2. In cases in first instances tried before the metropolitan or another eparchial bishop for whom there is no superior authority below the Roman Pontiff, the appeal is to be made to the tribunal which the metropolitan or eparchial bishop has designated in a stable manner, with the approval of the Apostolic See, with due regard for cann. 139 and 175.

Canon 1065 - The tribunal of third instance is the Apostolic See, unless common law expressly provides otherwise.

Canon 1066 - §1. The eparchial bishop is the judge of first instance in each eparchy and for all cases not expressly excepted by law.

§2. If, however, the action concerns the rights or the temporal goods of a juridic person represented by the eparchial bishop, the appellate tribunal judges in first instance, with due regard for can. 1062, §3.

Canon 1067 - §1. A tribunal of first instance for several eparchies of the same Church sui iuris may be erected by the patriarch with the consent of

the eparchial bishops concerned, if it is a case of eparchies situated within the territorial boundaries of the patriarchal Church; in other cases, it may be erected by the eparchial bishops who have consented to this and with the approval of the Apostolic See.

§2. This tribunal should be established if each of the eparchial bishops is unable for various reasons to establish his own tribunal; within the territorial boundaries of the patriarchal Church, if such is the case, this tribunal is to be established by the synod of bishops of the patriarchal Church.

§3. In eparchies for which such a tribunal has been established, a collegiate eparchial tribunal cannot be established validly.

§4. The group of eparchial bishops who consented to having such a tribunal, or an eparchial bishop elected by them, has all the powers which an eparchial bishop has over his own tribunal; if, however, the tribunal was established by the synod of bishops of the patriarchal Church or by the Apostolic See, the norms determined by the synod or by the Apostolic See are to be observed.

§5. Within the territorial boundaries of the patriarchal Church, an appeal from this tribunal is made to the ordinary tribunal of the patriarchal Church; however, in other cases, it is made to the tribunal designated in a stable manner by the group of bishops mentioned in 4, with the approval of the Apostolic See, or to the tribunal designated by the Apostolic See.

Canon 1068 - §1. The eparchial bishops of various Churches sui iuris exercising their power within the same territory, can agree among themselves to establish a common tribunal to adjudicate contentious and penal cases of the Christian faithful subject to one or other of these eparchial bishops.

§2. If suitable judges and other tribunal officers are lacking, the eparchial bishops are to see that they establish a common tribunal.

§3. The eparchial bishops who consent to having a common tribunal are to designate one of their members who has the powers which an eparchial

bishop has over his own tribunal.

§4. Appeals from sentences given in first instance by a common tribunal are to be made to the tribunal designated in a stable manner by the Apostolic See.

Canon 1069 - §1. Controversies between physical or juridic persons of the same institute of consecrated life, except secular institutes, in which superiors possess the power of governance, are to be heard before the judge or the tribunal determined in the typicon or the statutes of the institute.

§2. Except cases concerning secular institutes, if the controversy arises between physical or juridic persons of various institutes of consecrated life, or even of the same institute of eparchial right or of another, in which the superior does not possess the power of governance, or between a member and a juridic person of an institute of consecrated life and any other physical or juridic person, the eparchial tribunal judges in first instance.

Canon 1070 - Any authority establishing a tribunal shall see that the tribunal has its own statutes approved by the same authority, in which shall be determined the manner of appointing judges and other officers of the tribunal, the duration of their appointment, their remuneration and all the other requisites of law.

Canon 1071 - Every tribunal has the right to call upon the assistance of another tribunal of any Church in order to carry out certain procedural acts, except, however, those which involve decisions to be made by the judges.

Canon 1072 - The incompetence of inferior judges is absolute in the cases mentioned in cann. 1060, 1061, 1062, §3 and 1063, §4; the incompetence of the judge is also absolute if competency by reason of grade of judgment is not observed.

Canon 1073 - §1. No one can be brought into a court of first instance except before a judge who is competent in virtue of one of the titles determined in common law.

§2. The incompetence of a judge who possesses none of these titles is termed relative.

§3. Unless the law expressly provides otherwise, the petitioner follows the forum of the respondent; but if the respondent has a number of fora, the choice of one among them is granted to the petitioner.

Canon 1074 - Anyone can be brought into court before the tribunal of one's own domicile or quasi-domicile.

Canon 1075 - §1. A transient has the forum of the place of actual residence.

§2. A person whose domicile, quasi-domicile or place of residence is not known can be brought into court in the forum of the petitioner provided no other legitimate forum is available.

Canon 1076 - By reason of the location of a disputed item, a party can be brought into court before the tribunal of the place where the litigated thing is located whenever the action is directed against the thing or whenever it is a question of damages.

Canon 1077 - §1. By reason of contract a party can be brought into court before the tribunal of the place in which the contract was entered or must be fulfilled, unless the parties agree to choose another tribunal.

§2. If the case revolves around obligations which arise from another title, the party can be brought into court before the tribunal of the place where the obligation originated or is to be fulfilled.

Canon 1078 - In penal cases the accused, even if absent, can be cited before the tribunal of the place where the offense was perpetrated.

Canon 1079 - A party can be brought into court:

1° in cases which concern administration before the tribunal of the place where the administration was conducted;

2° in cases which concern inheritances or pious legacies before the tribunal of the last domicile, quasi-domicile or place of residence of the person

whose inheritance or pious legacy is the object of the action, with due regard for can. 1075, §2 unless it is a question of the mere execution of a legacy, which is to be examined according to the ordinary norms of competence.

Canon 1080 - If a judge is not competent in virtue of any of the above mentioned canons and yet a case is introduced before him, he obtains competence if both the parties and the authority to whom the tribunal is subject consent.

Canon 1081 - Unless a prescription of the law blocks this, by reason of connection cases which are interrelated are to be tried by one and the same tribunal and in the same procedure.

Canon 1082 - By reason of prevention, if two or several tribunals are equally competent, the tribunal which first legitimately cites the respondent has the right to judge the case.

Canon 1083 - §1. A conflict between judges as to which of them is competent to hear the case, is to be decided by the appellate tribunal of that judge before whom the action was first advanced by an introductory petition of suit.

§2. If, however, the other tribunal is the appeal tribunal of the first one, the controversy is to be decided by the tribunal of the third instance for the tribunal before which the action was first introduced.

§3. There is no appeal to decisions handed down in these conflicts.

Canon 1084 - §1. The following cases are reserved to a collegiate tribunal of three judges: 1° cases concerning the bond of sacred ordination;

2° cases concerning the bond of marriage, with due regard for cann. 1372-1374; 3° penal cases concerning offenses which entail the penalties of major excommunication, privation of office, reduction to an inferior degree or deposition;

4° cases which are determined in the particular law of the proper Church sui iuris.

§2. Other cases are to be heard by a sole judge, unless the eparchial bishop reserves a certain case to a college of three judges.

§3. If it happens that a collegiate tribunal cannot be established for a trial of first instance, while this impossibility lasts, the patriarch, having consulted the permanent synod, can permit the eparchial bishop to entrust cases to a single clerical judge who, if possible, is to employ an assessor and an auditor; likewise the metropolitan who presides over a metropolitan Church sui iuris as well as the metropolitan of a patriarchal Church constituted outside the territorial boundaries of the patriarchal Church may do likewise, in both situations having consulted the two eparchial bishops who are senior by episcopal ordination; in other instances, the matter is to be referred to the Apostolic See.

Canon 1085 - §1. A collegiate tribunal must proceed as a collegial body and pass its decisions by majority vote; this is for validity in the following instances:

1° the rejection of a petition for a counter-claim or for an incidental case; 2° the settlement of recourse against a decree of the presiding judge; 3° the handing down of sentences, even interlocutory ones, as well as decrees which have the same effect as a definitive sentence.

§2. Other procedural acts are to be carried out by the presiding judge, unless the college has reserved certain acts to itself; however, such reservation is not for validity.

§3. If the tribunal of first instance decided the case in a collegial manner, likewise in appeal the case is to be decided collegially and not by a lesser number of judges; if, however, a single judge gave the decision in first instance, the case is to be decided in appeal by a single judge, except in the case mentioned in can. 1084, §3.

Chapter II. The Officers of the Tribunal

Art. I. The Judicial Vicar, Judges and Auditors

Canon 1086 - §1. The eparchial bishop is bound to appoint a judicial vicar with ordinary judicial power, distinct from the protosyncellus, unless the smallness of the eparchy or the small number of cases suggests otherwise.

§2. The judicial vicar constitutes one tribunal with the eparchial bishop, but he cannot judge cases which the eparchial bishop has reserved to himself.

§3. The judicial vicar can be given assistants whose title is adjutant judicial vicars.

§4. Both the judicial vicar and the adjutant judicial vicars must be priests of unimpaired reputation, holding doctorates or at least licentiates in canon law, known for prudence and zeal for justice and not less than thirty years of age.

Canon 1087 - §1. The eparchial bishop is to appoint eparchial judges in the eparchy who are clerics.

§2. The patriarch, having consulted the permanent synod, or the metropolitan who presides over a metropolitan Church sui iuris, having consulted the two eparchial bishops senior by episcopal ordination, can permit other members of the Christian faithful to be appointed judges; when it is necessary, one of them can be employed to form a collegiate tribunal; in other cases, the matter is to be referred to the Apostolic See.

§3. The judges are to be of unimpaired reputation, and possess doctorates, or at least licentiates, in canon law, and be known for prudence and zeal for justice.

Canon 1088 - §1. The judicial vicar, the adjutant judicial vicar and the other judges are to be appointed for a definite period of time.

§2. If this period of time elapses during the vacancy of the eparchial see, they cannot be removed, but remain in office until the new eparchial bishop

provides for the matter.

§3. If the judicial vicar is appointed by the eparchial administrator, when the new eparchial bishop arrives, he needs confirmation.

Canon 1089 - In any trial a single judge can make use of two assessors who are members of the Christian faithful of upright life, to serve as his consultors.

Canon 1090 - §1. Unless in his prudence the eparchial bishop has decided otherwise, the judicial vicar is to designate by turn two judges from among the eparchial judges who together with the presiding judge shall constitute the college.

§2. The judicial vicar is not to appoint substitutes for judges once they are assigned unless for a most serious reason, to be expressed for validity in a decree.

Canon 1091 - §1. The judicial vicar or the adjutant judicial vicar presides over a collegiate tribunal insofar as this is possible.

§2. The president of a collegiate tribunal must assign one of the collegiate judges as the ponens, unless he wishes to fulfill this function himself.

§3. For a just cause the same president may substitute another in place of the ponens.

§4. The ponens reports on the case at the meeting of the judges and puts the sentence into writing.

Canon 1092 - A single judge has all the rights of the tribunal and of the presiding judge.

Canon 1093 - §1. A judge or the president of a collegiate tribunal can designate an auditor to carry out the instruction of the case, selecting one either from among the judges of the tribunal or from among the Christian faithful approved for this office by the eparchial bishop.

§2. The eparchial bishop can approve for the office of auditor members of the Christian faithful who are recognized for their good character, prudence and learning.

§3. The only task of the auditor is to collect the proofs according to the mandate of the judge and to present them to him; unless the mandate of the judge states otherwise, the auditor can in the meantime decide which proofs are to be collected and how they are to be collected if such a question perhaps arises while the auditor is exercising his or her office.

Art. II. The Promoter of Justice, the Defender of the Bond and the Notary

Canon 1094 - A promoter of justice is to be appointed in an eparchy for contentious cases in which the public good could be at stake and for penal cases; the promoter of justice is bound by the obligation to provide for the public good.

Canon 1095 - §1. In contentious cases it is the task of the eparchial bishop to judge whether or not the public good could be at stake unless the intervention of the promoter of justice is prescribed by law or it is clearly necessary from the nature of the matter.

§2. If the promoter of justice has intervened in a preceding instance, such intervention is presumed to be necessary in a further instance.

Canon 1096 - A defender of the bond is to be appointed in an eparchy for cases concerning the nullity of sacred ordination or the nullity or dissolution of marriage; the defender of the bond is bound by the obligation to propose and clarify everything which can be reasonably adduced against nullity or dissolution.

Canon 1097 - In cases which require the presence of the promoter of justice or the defender of the bond, the acts are null if they were not cited, unless, although not cited, they were actually present, or, at least before the sentence, could have fulfilled their office by inspecting the acts.

Canon 1098 - Unless common law expressly provides otherwise:

1° as often as the law requires the judge to hear the parties or one or other of them, the promoter of justice and the defender of the bond are also to be heard if they are present in court; 2° as often as the judge is required to decide something at the request of a party, the request of the promoter of justice or the defender of the bond has the same force when they are present in the court.

Canon 1099 - §1. The eparchial bishop is to name the promoter of justice and the defender of the bond; in non-eparchial tribunals they are to be named according to the tribunal's statutes unless the law provides otherwise.

§2. The promoter of justice and the defender of the bond are to be members of the Christian faithful of unimpaired reputation who hold doctorates or at least licentiates in Canon law and are proven in prudence and in zeal for justice.

Canon 1100 - §1. The same person can hold the office of promoter of justice and of defender of the bond but not in the same case.

§2. The promoter and defender can be appointed for all cases or for particular cases; they can, however, be removed by the eparchial bishop for a just cause.

Canon 1101 - §1. A notary is to be present during each procedure so that the acts are considered null if they have not been signed by the notary.

§2. Acts which notaries draw up warrant public trust.

Art. III. The Officers of the Tribunals Taken from Different Eparchies or Churches Sui Iuris

Canon 1102 - §1. Judges and other officers of the tribunals may be chosen from any eparchy, religious institute or society of common life in the manner of religious, of their own or even from another Church sui iuris with the written consent of the proper eparchial bishop or major superior.

§2. Unless the mandate of delegation states otherwise, a delegated judge may utilize the assistance of officers residing within the territory of the person mandating.

Chapter III. The Obligations of Judges and Other Tribunal Officials

Canon 1103 - §1. With due regard for justice, all the Christian faithful especially bishops are to strive earnestly to avoid lawsuits among the people of God as much as possible or to resolve them peacefully as soon as possible.

§2. At the very start or even at any point during the litigation, whenever some hope of a happy outcome is perceived, the judge is not to neglect to encourage and assist the parties to collaborate in working out an equitable solution to the controversy as well as indicating suitable ways of reaching such a solution, perhaps even employing the services of reputable persons for mediation.

§3. If, however, the case concerns the private good of the parties, the judge should find out whether it can profitably be resolved through a negotiated settlement or through an arbitrated compromise.

Canon 1104 - §1. A competent judge is to offer his ministry to any party legitimately requesting it.

§2. A judge cannot adjudicate any case unless the party concerned or the promoter of justice has presented a petition in accordance with the norm of the canons.

Canon 1105 - A person who has taken part in a case as a judge, promoter of justice, defender of the bond, procurator, advocate, witness or expert cannot afterwards in another instance validly resolve the same case as a judge or act as an assessor in another instance.

Canon 1106 - §1. A judge is not to undertake the adjudication of a case in which the judge may have some interest due to consanguinity or affinity in any degree of the direct line and up to the fourth degree inclusive of the collateral line, due to functioning as a guardian or trustee, due to close friendship, due to great animosity, or due to a desire to make some profit or avoid some loss.

§2. In the same circumstances the promoter of justice, the defender of the bond, the assessor and the auditor must disqualify themselves from their office.

Canon 1107 - §1. If an objection is lodged against the judge of either an ordinary or delegated tribunal, even if he is competent, the exception is dealt with by the authority to which the tribunal is immediately subject, with due regard for can. 1062, §§2 and 5.

§2. If the eparchial bishop is the judge and an objection is lodged against him, he is to disqualify himself from judging.

§3. If the objection is lodged against other officers of the tribunal, the president of the collegiate tribunal or the single judge deals with this exception.

Canon 1108 - If the objection is accepted, the persons must be changed, but the grade of the court does not change.

Canon 1109 - §1. The issue of an objection is to be solved most expeditiously after having heard the parties.

§2. The acts posited by a judge prior to an objection are valid; but those acts posited after the objection has been moved must be rescinded if the party petitions within ten days from the acceptance of the objection; after the acceptance of the objection, the acts are invalid.

Canon 1110 - §1. In a matter which concerns private individuals only, a judge can proceed only at the request of a party; once a case has been legitimately introduced, however, a judge can and must proceed, even ex officio, in penal cases and in other cases which involve the public good of the Church or the salvation of souls.

§2. Furthermore, a judge can supply for the negligence of parties in furnishing proofs or in placing exceptions as often as it is judged necessary in order to avoid a seriously unjust sentence, with due regard for can. 1283.

Canon 1111 - Judges and tribunals are to see to it that, with due regard for justice, all cases are concluded as soon as possible so that in the first instance they are not prolonged beyond a year and on the appellate level beyond six months.

Canon 1112 - All persons who constitute a tribunal or assist it must make a promise that they will fulfill their function faithfully.

Canon 1113 - §1. Judges and tribunal personnel are always bound to secrecy in a penal case; they are also thus bound in a contentious case if the parties may be harmed by the revelation of some procedural act.

§2. They are also always bound and toward all people, to observe secrecy concerning the discussion among the judges in a collegiate tribunal before passing the sentence and concerning the various votes and opinions offered during the discussion; likewise all those to whom knowledge of the above shall come in any way are also bound to secrecy

§3. Moreover, as often as the nature of a case or the proofs are such that the reputation of others is endangered by divulging the acts or proofs, or an opportunity for discord is provided or scandal or some other disadvantage of this kind might arise, the judge can bind the witnesses, the experts, the parties and their advocates or proxies by oath to observe secrecy.

Canon 1114 - The judge and all tribunal officers are forbidden to accept any gifts whatsoever on the occasion of their functioning in a trial.

Canon 1115 - §1. Judges who refuse to try a case even if they are certainly and obviously competent, who declare themselves competent without any legal basis and hear and decide cases, who violate the law of secrecy or who inflict some damage on the parties out of malice or serious negligence can be punished by the competent authority with fitting penalties, including deprivation of office.

§2. Other officers of the tribunal and auditors also can be punished with the same penalties if they do not fulfill their office as above; the judge can also punish all of them.

Canon 1116 - If the judge foresees that the petitioner will probably reject the ecclesiastical sentence, if it is to be contrary to him, and thus the rights of the respondent would not by sufficiently protected, he may at the request of the respondent or even in virtue of his office oblige the petitioner to provide an appropriate security for the observance of the ecclesiastical sentence.

Chapter IV. The Order of Adjudication

Canon 1117 - Cases are to be tried in the order in which they are presented and put on the docket unless some of them demand speedier treatment than others, which fact is to be determined in a special decree which states the reasons.

Canon 1118 - §1. Defects which can render a sentence invalid can be introduced as an exception during any stage or grade of a trial; a judge can likewise declare them ex officio.

§2. Dilatory exceptions, especially those which concern the persons and the manner of the trial, are to be proposed before the joinder of issues (litis contestatio), unless they first emerged only after it; and they are to be settled as soon as possible.

Canon 1119 - §1. If an exception is proposed against the competence of the judge, the same judge must deal with the matter.

§2. In the case of an exception of relative incompetence, if the judge finds for competence, the decision does not admit of appeal; but it can be attacked by a complaint of nullity, restitutio in integrum, or the intervention of a third party.

§3. But if the judge finds for incompetence, the person who feels injured can appeal to the appellate tribunal within fifteen available days (dies utiles).

Canon 1120 - A judge who becomes aware of his absolute incompetence during any stage of trial must declare that incompetence.

Canon 1121 - §1. The exceptions that the matter has become res iudicata and that an agreement had been already reached (transactio), as well as other peremptory exceptions which are called litis finitae must be proposed and adjudicated before the joinder of issues (litis contestatio); a person who proposes them later is not to be rejected but must settle the court costs unless there is proof that presentation was not maliciously delayed.

§2. Other peremptory exceptions are to be lodged during the joinder of issues (litis contestatio) and are to be treated at their proper time in accordance with the norms which deal with incidental questions.

Canon 1122 - §1. Counter-claim actions cannot be lodged validly except within thirty days from the joinder of issues (litis contestatio).

§2. Counter-claims, however, are to be adjudicated at the same time as the principal actions, that is, on the same grade of trial with it unless it is necessary to try them separately or the judge deems it more appropriate to try them separately.

Canon 1123 - Questions concerning a deposit for judicial expenses or the granting of gratuitous legal assistance which has been requested from the beginning and other such questions are to be dealt with before the joinder of issues (litis contestatio) as a general rule.

Chapter V. Time Limits, Delays and the Place of a Trial

Canon 1124 - §1. The time limits set by law for extinguishing the right to act cannot be extended nor validly shortened unless the parties request it.

§2. Before they have lapsed, however, other time limits can be extended by the judge for a just cause after hearing the parties or if they request it; such time limits, however, may never validly be shortened unless the parties agree.

§3. But the judge is to see to it that the trial is not overly prolonged by such extensions.

Canon 1125 - If the law does not establish time limits for positing of procedural acts, the judge must determine them taking into consideration the nature of each act.

Canon 1126 - If the tribunal is closed on the day scheduled for a judicial act the time limit is extended to the first day following which is not a holiday.

Canon 1127 - To the extent that it is possible, the tribunal is to be in a permanent place which is open during specified hours according to the norms specified in particular law concerning this matter.

Canon 1128 - §1. A judge who has been forcibly expelled from his own territory or has been impeded in the exercise of judicial power there can exercise his power and render a sentence outside that territory; however, the eparchial bishop of the place should be informed of this fact by the judge.

§2. Besides the case mentioned in 1, for a just cause and after hearing the parties, a judge can travel outside his own territory in order to acquire proofs with the permission of the eparchial bishop of the place he enters and at a site designated by the bishop.

Chapter VI. Persons to be Admitted to the Trial and the Manner of Preparing and Preserving the Acts

Canon 1129 - §1. Unless the particular law of the Church sui iuris provides otherwise, while cases are being tried before a tribunal only those persons are to be present in court whom the law or the judge decides are necessary to expedite the process.

§2. After giving a warning in vain, a judge can punish with appropriate penalties all who assist at the trial and who are seriously lacking in the respect and obedience owed the tribunal; the judge can also suspend advocates and procurators from exercising their function before ecclesiastical tribunals.

Canon 1130 - If a person to be interrogated speaks a language which is not known by the judge or the parties, a sworn interpreter designated by the judge is to be employed; their statements, however, are to be put into writing in the original language and a translation is to be added; an interpreter is also to be employed, if a deaf or mute person must be interrogated, unless the judge perhaps prefers that the person respond to questions in writing.

Canon 1131 - §1. All judicial acts, whether the acts of the case, that is, those acts which concern the merits of the question, or the acts of the process, that is, those which pertain to the formal procedure, must be put into writing.

§2. The individual pages of the acts are to be numbered and authenticated with a seal.

Canon 1132 - Whenever the signature of the parties or witnesses is required for judicial acts and a party or a witness cannot or will not sign them, this is to be noted in the acts; both the judge and the notary are to attest that the act has been read to the party or witness verbatim and that the party or witness either could not or would not sign it.

Canon 1133 - §1. At the completion of the trial documents which belong to private individuals must be returned but a copy of them is to be retained.

§2. The chancellor and notaries are forbidden to furnish a copy of judicial acts and of documents which have been acquired for the process without a mandate from the judge.

§3. Anonymous letters are to be destroyed and mention is not to be made of them in the acts; likewise signed writings and letters which add nothing to the merits of the case or are certainly calumnious are to be destroyed.

Chapter VII. The Petitioner and the Respondent

Canon 1134 - Anyone, whether baptized or not, can act in a trial; however, the respondent who has been legitimately cited must answer.

Canon 1135 - Although a petitioner or respondent has appointed a procurator or an advocate, they themselves are nevertheless bound to be present in person at the trial when the law or the judge prescribes it.

Canon 1136 - §1. Minors and those who lack the use of reason can stand trial only through their parents or guardians or curators.

§2. If the judge decides that their rights are in conflict with the rights of the parents, guardians or curators, or that the latter cannot satisfactorily safeguard the rights of the former, then they are to be represented in the trial by a guardian or curator appointed by the judge.

§3. But in spiritual cases and in cases connected with spiritual matters, if minors have attained the use of reason, they can act and respond without the consent of parents or guardian; if they have completed their fourteenth year of age, they can do so on their own; if a not, through a curator appointed by the judge.

§4. Those deprived of the administration of their goods and those who are of diminished mental capacity can stand trial personally only to answer for their own offenses or at the prescription of the judge; in all other cases they must act and respond through their curators.

Canon 1137 - Whenever a guardian or curator appointed by civil authority is present, this person can be admitted by an ecclesiastical judge after having heard the eparchial bishop of the person to whom the guardian or curator has been given, if this can be done; but if a guardian or curator is not present or does not appear admissible, the judge shall designate a guardian or curator for the case.

Canon 1138 - §1. Juridic persons stand trial through their legitimate representative.

§2. Whenever, in a trial, a good is in danger, which, to be alienated, requires someone's consent or advice or permission, the same consent or advice or permission is also required to begin the trial or to contest it.

§3. In a case where the representative is lacking or is negligent, the hierarch himself can stand trial personally or through another in the name of juridic persons which are subject to his power.

Chapter VIII. Procurators for the Trial and Advocates

Canon 1139 - §1. A party can freely appoint a personal procurator and advocate; however the party can petition and respond personally unless the judge has decided that the services of a procurator or an advocate are necessary.

§2. The accused, however, in a penal trial must always have an advocate either appointed by the accused or given by the judge.

§3. In a contentious trial which involves minors or a case in which a public good is called into question, except for marriage cases, the judge is to appoint ex officio an advocate for a party who lacks one.

Canon 1140 - §1. A party can appoint only a single procurator who cannot substitute another for himself unless written permission has been granted the procurator to do this.

§2. But if several procurators are appointed by the same party for some just cause, they are to be so designated that prevention is operative among them.

§3. However, several advocates can be appointed to act together.

Canon 1141 - The procurator and the advocate must have at least attained majority and be of good reputation; furthermore, the advocate must be a Catholic unless the authority to which the tribunal is immediately subject permits otherwise, must have a doctorate in Canon law or be otherwise truly expert and must be approved by the same authority.

Canon 1142 - §1. Before a procurator and advocate undertake their function, they must present an authentic mandate to the tribunal.

§2. To prevent the extinction of a right, however, the judge can admit a procurator without the presentation of the mandate provided that some suitable security is furnished if necessary; the judicial acts, however, lack all force unless the procurator presents a mandate within the peremptory time limits set by the judge.

Canon 1143 - Without a special mandate the procurator cannot validly renounce an action, instance of trial or judicial acts, make a settlement, strike a bargain, enter into arbitration and in general do those things for which the law requires a special mandate.

Canon 1144 - §1. For the removal of a procurator or advocate to take effect, it is necessary that they be informed and that the judge and the opposing party be notified of the removal if the joinder of issues (litis contestatio) has already taken place.

§2. After a definitive sentence has been issued, the procurator retains the right and obligation to appeal unless the mandating party has renounced this.

Canon 1145 - For serious cause the procurator and the advocate can be expelled from the trial by the judge by means of a decree either ex officio or at the request of a party; recourse can always be made to the appeal tribunal.

Canon 1146 - §1. Both the procurator and the advocate are forbidden to win the suit through bribery or to strike a bargain for excessive profit or for a claim upon a share of the litigated thing; if they do such things, the agreement is null and the judge can punish them with a fine; furthermore, an advocate can be suspended from office and also stricken from the list of advocates by the authority to whom the tribunal is immediately subject if it happens again and again.

§2. Procurators and advocates are liable to the same penalties if they withdraw cases from competent tribunals and submit them to other more favorable tribunals for adjudication in deceit of the law.

Canon 1147 - Procurators and advocates who have betrayed their function for the sake of gifts, promises or any other reason are to be suspended from the exercise of office and fined or punished with other suitable penalties.

Canon 1148 - Insofar as it is possible, permanent advocates are to be appointed in every tribunal and receive remuneration from that tribunal to

exercise the function of procurator or advocate on behalf of parties who wish to choose them especially for marriage cases.

Chapter IX. Actions and Exceptions

Canon 1149 - Every right whatsoever is safeguarded not only by an action but also an exception which is always available and of its very nature perpetual, unless something to the contrary is expressly stated.

Canon 1150 - Every action is terminated through prescription in accordance with the norm of law or by another legitimate method except actions concerning the status of persons which are never terminated.

Canon 1151 - Unless the law expressly provides otherwise, contentious actions are extinguished within five years from the day when the suit could first have been introduced, without prejudice to any personal Statutes which might be in effect.

Canon 1152 - §1. Every penal action is extinguished by the death of the accused, by pardon granted by competent authority and by prescription.

§2. A penal action is extinguished by prescription after three years, unless it is a question of: 1° delicts reserved to the Apostolic See;

2° actions for those delicts mentioned in cann. 1450 and 1453, which are prescribed after five years; 3° delicts which are not punishable under the common law, if the particular law has determined another period for prescription.

§3. Prescription runs from the day on which the delict was committed, or, in the case of a permanent and habitual delict, from the day it ceased.

Canon 1153 - §1. An action to execute a penalty is extinguished by prescription if the guilty party has not been notified of the judge's decree of execution within the time limits indicated in can. 1152 which are to be computed from the day on which the condemnatory sentence became an adjudged matter (res iudicata).

§2. All other things being observed that are to be observed, the same holds true if the penalty was imposed through an extra-judicial decree.

Canon 1154 - Although a penal action has been extinguished by prescription: 1° any contentious action that might exist to recover damages arising from the delict is not by that very fact extinguished;

2° if the public good so requires, the hierarch may apply opportune administrative remedies, not excluding suspension from the exercise of sacred ministry or removal from office.

Canon 1155 - A petitioner can bring a respondent to court by several actions at the same time provided they do not conflict among themselves, whether on the same or different matters, and if they do not exceed the competence of the tribunal approached.

Canon 1156 - §1. A respondent can file a counter-claim action against the petitioner before the same judge in the same trial either due to a connection of a case with the principal action or to remove or to lessen the charge of the petitioner.

§2. A counter-claim to the counter-claim is not admissible.

Canon 1157 - The counter-claim action is to be presented to the judge before whom the first action was filed even if he were delegated for only one case or was otherwise relatively incompetent.

Canon 1158 - §1. A person who through at least probable arguments, has demonstrated a right to something retained by another and the threat of damage if that thing is not placed in safe keeping, has the right to obtain its sequestration from the judge.

§2. In similar circumstances a person can obtain an order restraining another from exercising a right.

Canon 1159 - §1. Sequestration of the object is also admitted as security for credit provided the right of the creditor is sufficiently evident.

§2. Sequestration can also be extended to the goods of the debtor which are discovered in the possession of others under any title and to the credit of the debtor.

Canon 1160 - Sequestration of a thing and an order to restrain the exercise of a right can in no way be decreed if the harm that is feared can otherwise be repaired and suitable security for its repair can be furnished.

Canon 1161 - The judge, in granting sequestration of a thing or an order restraining the exercise of a right, can impose on the person a prior obligation to compensate for damages if the right is not proven.

Canon 1162 - In regard to the nature and force of a possessory action the prescriptions of the civil law of the place where the thing, the possession of which is in question, is located, are to be observed.

Canon 1163 - §1. Whenever a petition is introduced to obtain provision for the support of a person, the judge, having heard the parties, may determine, by a decree to be executed immediately, after having specified any opportune precautions to be observed, that in the meantime the necessary maintenance is provided, without prejudice to the law to be defined by the sentence.

§2. Whenever a petition has been presented by a party or by the promoter of justice to obtain this decree, the judge, after having heard the other party, shall provide for it most expeditiously, never beyond a ten day period; after such time, or if the petition is rejected, recourse is available to the authority to whom the tribunal is immediately subject, provided that such authority is not the judge himself, or, if a person prefers, to the appellate judge who likewise shall determine the matter most expeditiously.

Chapter X. Methods of Avoiding Trials

Art. I. Out-of-Court Settlement

Canon 1164 - In an out-of-court settlement, the norms determined by the civil law of the place where the settlement occurs are to be observed.

Canon 1165 - §1. A settlement cannot validly take place in cases concerning those things or those rights which pertain to the public good, or concerning other matters which the parties are unable to dispose of freely.

§2. But there can be a settlement when ecclesiastical temporal goods are involved, provided that if the matter so requires, the formalities determined by law for the alienation of ecclesiastical goods are observed.

Canon 1166 - Unless otherwise expressly provided, each party is to pay one half of the expense incurred in reaching a settlement.

Canon 1167 - At least on a regular basis, the judge is not to carry out the settlement negotiations personally; rather, such are to be entrusted to another person who is an expert in law.

Art. II. Arbitration

Canon 1168 - §1. Those who are involved in a controversy may agree in writing to have the matter resolved by arbitrators.

§2. Likewise, they may agree in writing who have already entered into a contract, or are going to enter into one, regarding any controversies that might arise from the contract itself.

Canon 1169 - Controversies which may not be resolved by settlement, cannot validly be entrusted to arbitrators for compromise.

Canon 1170 - §1. One or more arbitrators may be designated, but they are to be of an uneven number.

§2. In the compromise itself, unless they have been designated by name, at least the number of arbitrators should be determined; likewise provision is to be made for their appointment and substitution.

Canon 1171 - A compromise is invalid if:

1° the norms determined for the validity of contracts which exceed ordinary administration have not been observed;

2° it is not carried out in writing;

3° the procurator agreed to the arbitration without a special mandate, or the prescriptions of cann. 1169

and 1170 were violated;

4° the controversy has not arisen or does not arise from a contract which is certain according to the norms of can. 1168, §2.

Canon 1172 - The following may not validly undertake the function of arbitrator: 1° minors;

2° those bound by the penalty of excommunication, even minor, suspension or deposition; 3° members of institutes of consecrated life or societies of apostolic life in the manner of religious without the permission of the superior.

Canon 1173 - The appointment of an arbitrator has no effect unless the duties have been accepted in writing.

Canon 1174 - §1. If the arbitrators are not designated in the compromise document or if there is to be a substitution, and the parties or others to whom the designation is entrusted disagree regarding all or some of the persons chosen, any party may entrust the matter to the tribunal that is competent to decide the case in first instance, unless the parties have agreed otherwise; after having heard the other parties, the tribunal is to provide by decree for the selection.

§2. The same norm is to be observed if one or other of the parties neglected to designate an arbitrator, provided that the party which brings the matter to the tribunal which designated the arbitrators, if it was to do so, at least twenty days beforehand.

Canon 1175 - The tribunal mentioned in can. 1174, §1 shall examine any objections raised against an arbitrator, and, after hearing the arbitrators in question and the parties, shall resolve the matter by decree; if it upholds the objection, other arbitrators are to be substituted, unless provided otherwise in the compromise itself.

Canon 1176 - §1. The obligations of the arbitrators are to be spelled out in the compromise, as well as those which touch on secrecy to be observed.

§2. Unless the parties have specified otherwise, the arbitrators are free to select the procedure to be followed; it is however, to be simple and provide for brief time limits, observing equity and the procedural laws.

§3. The arbitrators do not have any coercive power; in case of necessity they can introduce the case before the competent tribunal.

Canon 1177 - §1. Incidental questions which may arise are to be resolved by decree of the arbitrators.

§2. If, however, a prejudicial question arises which cannot be entrusted to compromise by arbitrators, they are to suspend the process until the parties have received a sentence from the judge and notified the arbitrators of the sentence; it then becomes an adjudged matter (res iudicata), or, if it concerns the status of persons, the sentence may be mandated for execution.

Canon 1178 - Unless the parties have determined otherwise, the arbitration sentence is to be handed down within six months from the day when all the arbitrators accepted the appointment; the parties may prorogate the time limits.

Canon 1179 - §1. The arbitrated sentence is to be given by majority vote.

§2. If the matter allows it, the sentence is to be written by the arbitrators themselves in the form of a judicial sentence and signed by each of them; for validity, it is required and it suffices that the majority of the arbitrators sign the sentence.

Canon 1180 - §1. Unless the arbitration sentence is null because of their own grave fault, the arbitrators have the right to be reimbursed for expenses; they may even demand appropriate security for this.

§2. It is recommended that the arbitrators offer their services gratuitously; otherwise, provision for compensation is to be made in the compromise agreement.

Canon 1181 - §1. The complete text of the arbitration sentence is to be deposited within fifteen days at the chancery of the eparchial tribunal where the sentence was given; within five days after it has been deposited, unless it is evident that this sentence is null and void, the judicial vicar either himself or through another is to issue a decree of confirmation to be communicated immediately to the parties.

§2. If the judicial vicar refuses to issue the decree, the interested party may have recourse to the appeal tribunal where the matter is to be resolved most expeditiously; if, however, the judicial vicar remains silent for one continuous month, the same party can insist that he fulfill his duty; if he, nevertheless, remains silent for five days after the party's insistence, the party may have recourse to the appeal tribunal which is to resolve the matter most expeditiously.

§3. If it is evident that the arbitration sentence is null because matters prescribed for validity in the compromise document were neglected, the judicial vicar is to declare the nullity and to notify the parties of it as soon as possible; there is no recourse against this declaration.

§4. The arbitration sentence becomes an adjudged matter (res iudicata) as soon as the decree of confirmation is issued, with due regard for can. 1182.

Canon 1182 - §1. An appeal from an arbitration sentence is allowed only if the parties had agreed in writing that it would be subject to such a remedy;

in which case, the appeal is to be lodged before the judge who issued the decree of confirmation within ten days of its notification; if, however, another judge is competent to receive the appeal, the matter is to be brought before him within one month.

§2. An arbitration sentence against which an appeal is admitted becomes an adjudged matter (res iudicata) according to the norm of can. 1322.

Canon 1183 - If the injustice of the arbitration sentence is evident, the judge who issued the decree of confirmation shall hear a complaint of nullity against the sentence which has become an adjudged matter (res iudicata), the opposition of a third party against the sentence, or a request for a total reinstatement (restitutio in integrum); he shall also provide for the correction of any material error, according to the ordinary norm of law.

Canon 1184 - §1. The execution of an arbitration sentence may take place in those instances where a judicial sentence may be executed.

§2. The arbitration sentence shall be mandated for execution either by the eparchial bishop of the eparchy in which it was given, or by somebody else, unless the parties have designated another executor.

TITLE XXV. THE CONTENTIOUS TRIAL

Chapter I. The Ordinary Contentious Trial

Art. I. The Introductory Libellus of Litigation

Canon 1185 - A person who wishes to bring another to court must present a introductory libellus to a competent judge, which explains the object of the controversy and requests the services of the judge.

Canon 1186 - §1. The judge may accept an oral petition if either the petitioner is impeded from presenting a introductory libellus or the case can be easily investigated and is of lesser importance.

§2. But in either situation the judge is to require the notary to put the act into writing, which is to be read to and approved by the petitioner; this then takes the place of and has all the legal effects of a introductory libellus written by the petitioner.

Canon 1187 - A libellus which introduces a suit must:

1° express before which judge the case is being introduced, what is being petitioned and by whom the petition is being made;

2° indicate the basis for the petitioner's right and at least in general the facts and proofs which will be used to prove what has been alleged;

3° be signed by the petitioner or procurator, adding the day, month and year, as well as the address of the petitioner or procurator or the place where they say they reside for the purpose of receiving the acts; 4° indicate the domicile or quasi-domicile of the respondent.

Canon 1188 - §1. After the single judge or the president of a collegiate tribunal has recognized both that the matter is within his competence and that the petitioner does not lack legitimate personal standing in court, he must accept or reject the introductory libellus as soon as possible through a decree.

§2. A libellus introducing a suit can be rejected only if:

1° the judge or the tribunal is incompetent;

2° it is undoubtedly clear that the petitioner lacks legitimate personal standing in court; 3° the prescriptions of can. 1187, nn. 1-3 have not been observed; 4° from the introductory libellus itself it is certainly obvious that it lacks any basis whatsoever and that it is impossible that any such basis would appear through a process.

§3. If the introductory libellus has been rejected due to defects which can be corrected, the petitioner can properly draw up a new libellus and again present it to the same judge.

§4. A party is always free within ten available days (tempus utile) to lodge a reasoned recourse against the rejection of the introductory libellus before the appellate tribunal or the college if it had been rejected by its president; the question of the rejection is to be resolved most expeditiously.

Canon 1189 - If within a month from the presentation of the libellus the judge has not issued a decree by which he accepts or rejects the libellus the interested party can insist that the judge fulfill his duty; but if the judge, nevertheless, remains silent for ten days after the petitioner's insistence, the petition is considered as having been accepted.

Art. II. The Citation and Intimation or Notification of Judicial Acts

Canon 1190 - §1. In the decree which accepts the introductory libellus of the petitioner the judge or president must either call into court or cite the other parties for the joinder of issues (contestatio litis), determining whether they must respond in writing or present themselves personally before the judge in order to join the issues. But if from the written responses the judge perceives that it is necessary to call the parties together for a session, that can be determined in a new decree.

§2. If the introductory libellus is considered as having been accepted in virtue of the norm of can. 1189, the decree of citation must be made in court within twenty days from the party's insistence on action as mentioned in that canon.

§3. But if the litigating parties de facto present themselves before the judge in order to proceed with the case, there is no need for a citation; the notary, however, is to note in the acts that the parties were present for the trial.

Canon 1191 - §1. The decree of citation to the trial must be forwarded immediately to the respondent and at the same time to others who are to appear.

§2. The introductory libellus is to be joined to the citation unless for serious reasons the judge determines that the libellus is not to be made known to the respondent before the latter makes a deposition during the trial.

§3. If the suit is filed against a person who does not have the free exercise of personal rights or the free administration of the controverted items, the citation is to be made known to the guardian, curator or special procurator, as the case may be, or to the person who is bound to enter the trial in the respondent's name according to the norm of law.

Canon 1192 - §1. Notification of citations, decrees, sentences and other judicial acts are to be made through the public postal services, with an acknowledgement of receipt card, or through another method which is the safest, observing particular law.

§2. The fact and method of notification must be clear in the acts.

§3. A respondent who refuses to accept the document of citation or who prevents its arrival is considered as having been legitimately cited.

Canon 1193 - If the citation is not legitimately communicated, the acts of the process are null, unless the party nevertheless appeared to pursue the case.

Canon 1194 - If the citation is legitimately communicated or the parties have appeared before the judge to pursue the case:

1° the issue ceases to be res integra;

2° the case becomes proper to that judge or tribunal before whom the action was begun and is competent in other respects;

3° the jurisdiction of a delegated judge is firmly established so that it does not expire when the right of the one delegating ceases;

4° prescription is interrupted unless otherwise provided;

5° the litigation begins to be pending and therefore the principle becomes operative: while a suit is pending, nothing new is to be introduced.

Art. III. The Joinder of the Issue

Canon 1195 - §1. The joinder of issues (litis contestatio) occurs when the object of the controversy based on the petitions and responses of the parties are specified by the decree of the judge.

§2. The petitions and responses of the parties, besides those in the libellus introducing the suit, can be expressed either in response to the citation or in a declaration made orally before the judge; in more difficult cases, however, the parties are to be called together by the judge to specify the question or questions to be answered in the sentence.

§3. The decree of the judge is to be made known to the parties; unless they have already reached an agreement, they can within ten days make recourse to that judge that it be changed; however, the issue is to be resolved most expeditiously by a decree of that judge.

Canon 1196 - Once the object of the controversy has been determined, it cannot validly be changed except for a serious reason through a new decree at the request of one party and after hearing the other parties and considering their reasons.

Canon 1197 - Once the joinder of issues (litis contestatio) has occurred, the possessor of another's property ceases to be in good faith; if therefore, the possessor is sentenced to make restitution, the profits made from the day of the joinder of issues (contestatio litis) must also be returned and any damages compensated.

Canon 1198 - Once the joinder of issues (contestatio litis) has occurred, the judge is to furnish the parties suitable time to present and complete proofs.

Art. IV. Suspension, Abatement and Renunciation of the Trial

Canon 1199 - If the litigating party dies, or changes status, or ceases from the office on behalf of which the suit was initiated:

1° if the case is not concluded, its prosecution is suspended until the heir of the deceased, the successor or an interested party resumes the suit;

2° if the case is concluded, the judge must proceed to the final acts after having cited the procurator if present or otherwise the heir or the successor of the deceased.

Canon 1200 - §1. If a guardian, curator or procurator who is necessary in accordance with the norms of can. 1139, ceases from office, the prosecution of the suit is suspended in the interim.

§2. However, the judge is to appoint another guardian or curator as soon as possible; the judge can appoint a procurator for the suit if the party had neglected to do so within the brief time period stated by the judge.

Canon 1201 - Barring some impediment, if no procedural act is proposed by the parties for six months, the prosecution of the suit if abated.

Canon 1202 - Abatement takes effect by the law itself against all persons, including minors, and it must also be declared ex officio with due regard for the right of petitioning for indemnity against tutors, guardians, administrators or procurators who have not proved that they were not at fault.

Canon 1203 - Abatement extinguishes the acts of the process, but not the acts of the case, which in fact may be operative in another instance provided that the case involves the same persons and the same issue; as regards outsiders the acts of the case have no other value than that of documents.

Canon 1204 - When a trial is abated, each of the litigants is to bear the expenses which he or she has incurred.

Canon 1205 - §1. A petitioner can renounce the instance at any stage or grade of trial; both petitioner and respondent can likewise renounce either all or some of the acts of the process.

§2. In order for them to renounce an instance, the guardians and administrators of juridic persons need to consult with or obtain the consent of those whose involvement is required to place acts which go beyond the limits of ordinary administration.

§3. In order for a renunciation to be valid it is to be made in writing and also signed by the party or by the party's procurator with a special mandate to do so; it must be communicated to the other party, accepted, or at least not attacked, by that party, and admitted by the judge.

Canon 1206 - A renunciation admitted by the judge has the same effects concerning the renounced acts as an abatement of an instance and it obliges the renouncing party to pay the expenses for the renounced acts.

Art. V. Proofs

Canon 1207 - §1. The burden of proof rests upon the person who makes the allegations.

§2. The following do not need proof:

1° matters which are presumed by the law itself;

2° facts alleged by one of the contending parties and admitted by the other unless proof is nonetheless demanded by the law or by the judge.

Canon 1208 - §1. Proofs of any type whatever which seem useful for deciding the case and which are licit can be adduced.

§2. If a party insists that a proof rejected by the judge be admitted, the judge is to determine the matter most expeditiously.

Canon 1209 - If a party or a witness refuses to appear before the judge to testify, it is permitted to hear the person through a person assigned by the judge or to seek the person's declaration before a notary public or in any other legitimate manner.

Canon 1210 - Except for a serious cause, the judge is not to proceed to gather proofs before the joinder of issues (litis contestatio).

1° The Declarations of the Parties

Canon 1211 - The judge can always interrogate the parties so as to reveal the truth more effectively; in fact the judge must do so at the request of a party or to prove a fact which is to be established beyond doubt for the sake of the public interest.

Canon 1212 - §1. A party legitimately interrogated must answer and tell the whole truth, unless by answering an offense committed by that party would be revealed.

§2. But if a party has refused to answer, it is for the judge to evaluate what can be drawn from that refusal concerning the proof of the facts.

Canon 1213 - Unless a serious cause persuades otherwise, the judge is to administer an oath to the parties to tell the truth or at least to confirm the truth of their testimony in cases where the public good is at stake; the judge, in accord with prudential judgment, can do the same in other cases.

Canon 1214 - The parties, the promoter of justice and the defender of the bond can present to the judge items on which a party is to be interrogated.

Canon 1215 - To the extent it is possible the regulations on interrogating witnesses are to be observed in the interrogations of the parties.

Canon 1216 - A judicial confession is a written or oral assertion against oneself made by any party regarding the matter under trial and made before a competent judge, whether spontaneously or upon interrogation by the judge.

Canon 1217 - §1. If it is a question of some private matter and the public good is not at stake the judicial confession of one party relieves the other parties from the burden of proof.

§2. In cases which concern the public good, however, a judicial confession and the declarations of the parties which are not confessions can have a probative force to be evaluated by the judge along with the other circumstances of the case; but complete probative force cannot be attributed to them unless other elements are present which thoroughly corroborate them.

Canon 1218 - Having weighted all the circumstances, it is for the judge to evaluate the worth of an extra-judicial confession which has been introduced into the trial.

Canon 1219 - A confession or any other declaration of a party lacks all probative force if it is proved that it was made through an error of fact or it was extorted by force or grave fear.

2° Proof through Documents

Canon 1220 - In every type of trial, proof by means of both public and private documents is admitted.

Canon 1221 - §1. Public ecclesiastical documents are those which official persons have drawn up in the exercise of their function in the Church, after having observed the formalities prescribed by law.

§2. Public civil documents are those which are considered to be such in civil law.

§3. Other documents are private ones.

Canon 1222 - Unless contrary and evident arguments show otherwise, public documents are to be trusted concerning everything which is directly and principally affirmed in them; with due regard for other requirements for public civil documents in the civil law of the place.

Canon 1223 - A private document, whether acknowledged by a party or recognized by the judge has the same probative force against the author or signer as that deriving from an extra-judicial confession; against others it's probative force is to be evaluated by the judge together with other aspects of the case but it cannot be given full probative force unless there are other elements which fully corroborate it.

Canon 1224 - If the documents are shown to have been erased, corrected, interpolated, or affected by another such defect, it is for the judge to assess whether such documents have value and how much.

Canon 1225 - Documents do not have probative force in a trial unless they are originals or presented in authentic copy and are deposited with the chancery of the tribunal so that they may be examined by the judge and the opposing party.

Canon 1226 - The judge can order that a document which is common to both parties be exhibited in the process.

Canon 1227 - §1. Even if documents are common, no one is obliged to exhibit those which cannot be communicated without risk of harm in accordance with the norm of can. 1229, §2, n. 2, or without risk of violating the obligation to observe secrecy.

§2. Nonetheless, if some excerpt, at least, of a document can be transcribed and can be presented in copy form without the above-mentioned hazards the judge can decree that it be produced.

3° Witnesses and Testimonies

Canon 1228 - Proof by means of witnesses is admitted in every kind of case under the supervision of the judge.

Canon 1229 - §1. When the judge legitimately interrogates witnesses they must tell the truth.

§2. With due regard for the prescription of can. 1231 the following are exempted from the obligation to answer:

1° clerics in regard to whatever was made known to them in connection with their sacred ministry; civil officials, doctors, midwives, advocates, notaries and others who are bound to professional secrecy, even by reason of advice rendered, as regards matters subject to this secrecy; 2° persons who fear that infamy, dangerous vexations or other serious evils will happen to themselves, or their spouse, or persons related to them by consanguinity or affinity, as a result of their testimony.

a) Those Who Can Be Witnesses

Canon 1230 - All persons can be witnesses unless they are expressly excluded by law, either completely or partially.

Canon 1231 - §1. Minors below the fourteenth year of age and those who are feebleminded are not allowed to give testimony; however, they may be heard by reason of a decree of the judge which declares such a hearing expedient.

§2. The following are considered incapable of giving testimony: 1° those who are parties in the case, or who represent the parties in the trial; the judge and assistants, the advocate and others who are assisting or have assisted the parties in the same case; 2° priests as regards everything which has become known to them by reason of sacramental confession, even if the penitent requests their manifestation; more-over, whatever has been heard by anyone or in any way on the occasion of confession cannot be accepted as even an indication of the truth.

b) The Introduction and Exclusion of Witnesses

Canon 1232 - The party who has introduced a witness can forego the questioning of the witness; but the opposing party can demand that the witness be questioned notwithstanding that action.

Canon 1233 - §1. When proof by means of witnesses is demanded, their names and domicile are to be made known to the tribunal.

§2. The items of discussion upon which interrogation of the witnesses is sought are to be presented within the time limit set by the judge; otherwise

the petition is to be considered as abandoned.

Canon 1234 - It is the judge's responsibility to curb an excessive number of witnesses.

Canon 1235 - Before witnesses are questioned, their names are to be made known to the parties; however, if in the prudent assessment of the judge, that cannot be done without serious difficulty, it is to be done at least before the publication of the testimony.

Canon 1236 - With due regard for the prescription of can. 1231, a party can request that a witness be excluded if a just cause for exclusion is demonstrated before the interrogation of the witness.

Canon 1237 - The citation of a witness is done by a decree of the judge made known to the witness according to law.

Canon 1238 - A witness who has been duly cited is to appear or inform the judge of the reason for the absence.

c) The Questioning of Witnesses

Canon 1239 - §1. Witnesses must be questioned at the tribunal unless it appears otherwise appropriate to the judge.

§2. Bishops and those who, by the law of their state, enjoy a similar right, are to be heard in a place which they themselves select.

§3. The judge is to decide where those are to be heard for whom it is impossible or difficult to come to the tribunal because of distance, illness or other impediment with due regard for the prescriptions of cann.

1071 and 1128.

Canon 1240 - The parties may not assist at the questioning of witnesses unless the judge believes that they must be admitted, especially when the matter concerns the private good. On the other hand, their advocates or their procurators may assist unless the judge believes that the process must be carried on in secret because of the circumstances of things or persons.

Canon 1241 - §1. Each of the witnesses must be questioned individually.

§2. If the witnesses disagree among themselves or with a party in a serious matter the judge can bring them together or have them come to an agreement with one another, precluding disputes and scandal insofar as it is possible.

Canon 1242 - The questioning of a witness is conducted by the judge, a delegate or an auditor, who is to be assisted by a notary; as a result, if the parties, or the promoter of justice, or the defender of the bond, or the advocates who are present at the questioning have further questions to be put to the witness, they are to propose these questions not to the witness but to the judge or the person taking the judge's place who is to ask them, unless particular law provides otherwise.

Canon 1243 - §1. The judge is to call to the attention of the witness the serious obligation to tell the whole truth and only the truth.

§2. The judge is to administer the oath to the witness in accordance with can. 1213; but the witness who refuses to take it is to be heard without the oath.

Canon 1244 - The judge, first of all, is to establish the identity of the witness; the judge should seek out what is the relationship of the witness with the parties, and, when addressing specific questions to the witness regarding the case, the judge is also to inquire about the sources of the witness' knowledge and the precise time the witness learned what is asserted.

Canon 1245 - The questions are to be brief, accommodated to the intelligence of the person being interrogated, not comprising several points at the same time, not captious, nor crafty, nor suggestive of the answer, free from every kind of offense and pertinent to the case being tried.

Canon 1246 - §1. The questions must not be communicated to the witnesses ahead of time.

§2. However, if the matters which are to be testified to are so removed from memory that unless they are recalled earlier they cannot be affirmed with certainty, the judge may advise the witness of some matters if it is thought that this can be done without danger.

Canon 1247 - Witnesses are to give testimony orally; they are not to read from written memoranda, unless there is question of calculation and accounts; in such a case they may consult the notes which they brought with them.

Canon 1248 - §1. The answer is to be put in writing at once by the notary who must report the exact words of the testimony given, at least as regards those points which touch directly upon the matter of the trial.

§2. Use of a tape recorder is allowed provided that, afterwards, the answers are transcribed and are signed by those making the depositions, if possible.

Canon 1249 - The notary is to make mention in the acts whether the oath was taken, omitted, or refused, also of the presence of the parties and of other persons, the questions added ex officio and, in general, everything noteworthy which may have occurred while the witnesses were being questioned.

Canon 1250 - §1. At the conclusion of the questioning what the notary has put in writing from the deposition must be read to the witness or the witness must be given an opportunity to listen to the tape recording of the deposition with the option of adding to, suppressing, correcting or changing it.

§2. Finally the acts must be signed by the witness, the judge and the notary.

Canon 1251 - Although witnesses have already been questioned, they can be recalled for another examination at the request of a party or ex officio but before the acts or the testimony have been published; this is true if the judge believes such a reexamination necessary or useful, provided, however, that there is no danger of collusion or corruption.

Canon 1252 - In accord with an equitable assessment of the judge, witnesses must be compensated both for the expenses they have incurred and for the income they have lost by rendering testimony.

d) The Trustworthiness of Testimonies

Canon 1253 - In evaluating testimony, after having obtained testimonial letters if need be, the judge should consider:

1° the condition and good reputation of the person;

2° whether the witness testifies in virtue of personal knowledge, especially what has been seen and heard personally, or whether the testimony is the witness' opinion, or a rumor or hearsay from others; 3° whether the witness is reliable and firmly consistent or rather inconsistent, uncertain or vacillating; 4° whether the witness has supporting witnesses or whether there is support from other sources of proof.

Canon 1254 - The deposition of a single witness cannot constitute full proof unless a witness acting in an official capacity makes a deposition regarding duties performed ex officio or unless circumstances of things and persons suggest otherwise.

4° Experts

Canon 1255 - The services of experts must be used whenever their examination and opinion, based on the laws of art or science, are required in order to establish some fact or to clarify the true nature of some thing by reason of a prescription of the law or a judge.

Canon 1256 - It is the responsibility of the judge either to name experts after hearing to the parties and the names they propose, or to make use of reports, if warranted, already drawn up by other experts.

Canon 1257 - Experts can be excluded or rejected for the same reasons that witnesses can be.

Canon 1258 - §1. After paying attention to those points which may have been brought forward by the litigants, the judge is to specify by a decree the

individual points on which the expert's services must focus.

§2. The acts of the case and other documents and aids which the expert may need in order to function properly and faithfully must be turned over to the expert.

§3. After hearing the expert, the judge should fix the time within which the examination is to be carried out and the report given.

Canon 1259 - §1. Each of the experts should draw up a report distinct from the others unless the judge orders that one report be made and signed by the experts individually; if this latter is done, differences of opinion, if any, are to be carefully noted.

§2. The experts must indicate clearly by what documents or other apt means they have been informed about the identity of persons, things or places, by what path and method they proceeded in discharging the function given to them and on what grounds, for the most part, their conclusions are based.

§3. An expert can be summoned by the judge to supply further explanations which may seem necessary.

Canon 1260 - §1. The judge is to weigh attentively not only the conclusions of the experts, even when they are concordant, but also the other circumstances of the case.

§2. In giving the reasons for the decision, the judge must express what considerations prompted him or her to admit or reject the conclusions of the experts.

Canon 1261 - Both the expenses and the stipends which must be paid to the experts are to be determined justly and equitably by the judge with due regard for particular law.

Canon 1262 - §1. The parties may designate private experts who must be approved by the judge.

§2. If the judge admits them, private experts may inspect the acts of the case if necessary and be present at the discharging of the court experts' function; more-over they can always present their own report.

5° Access and Judicial Recognizance

Canon 1263 - If in order to settle a case the judge considers it opportune to have access to a given place or to inspect something, this should be specified in a decree which describes in summary fashion those elements which must be exhibited at the access, after hearing the parties.

Canon 1264 - When the judicial recognizance or access has been completed, a report of it is to be drawn up.

6° Presumptions

Canon 1265 - To come to a just sentence, the judge can formulate presumptions which are not established by the law itself as long as they arise from a certain and determined fact which is directly connected with the subject matter of the controversy.

Canon 1266 - A person who has a favorable legal presumption is freed from the burden of proof which then devolves upon the other party.

Art. VI. Incidental Cases

Canon 1267 - An incidental case is had whenever, after the trial has begun, a question is proposed which is so pertinent to the case that it very often must be resolved before the principal question, although it is not expressly contained in the libellus introducing the suit.

Canon 1268 - An incidental case is proposed in writing or orally before the judge who in competent to settle the principal case with an indication of the connection between it and the principal case.

Canon 1269 - §1. The judge, having received the petition and heard the parties, is to decide most expeditiously whether the proposed incidental question seems to have a basis and a connection with the principal issue, or whether it must be rejected from the outset; and, if it is admitted, whether it

is of such seriousness that it must be resolved by an interlocutory sentence or by a decree.

§2. On the other hand, if the judge decides that the incidental question is not to be resolved before the definitive sentence, the judge is to decree that it will be considered when the principal case is settled.

Canon 1270 - §1. If the incidental question must be resolved by sentence, the norms of the summary contentious process are to be observed, unless the judge decides otherwise given the seriousness of the matter.

§2. But if it must be resolved by decree, the tribunal may turn the matter over to the auditor or to the presiding officer.

Canon 1271 - Before the principal case is closed, if there is just cause, the judge or the tribunal can revoke or reform the decree or the interlocutory sentence either at the request of a party or ex officio after hearing the parties.

1° Parties Who Do Not Appear

Canon 1272 - §1. If the respondent, after having been cited, has neither appeared nor offered a suitable excuse for being absent, nor responded in accordance with can. 1190, §1, the judge is to declare the respondent absent from the trial and is to decree that the case should proceed to the definitive sentence and its execution, while observing all the formalities which are to be observed.

§2. Before issuing the decree, the judge must have proof that the citation drawn up by law reached the respondent within available time even by issuing a new citation if necessary.

Canon 1273 - §1. If the respondent is present in court later or responds before the settlement of the case, the respondent can adduce conclusions and proofs, with due regard for the prescription of can. 1283; however the judge is to take care that the trial is not intentionally prolonged through rather long and unnecessary delays.

§2. Even if the respondent has not appeared or responded before the settlement of the case, the respondent can use challenges against the sentence; if the respondent proves that there was a legitimate impediment for being detained which without personal fault was unable to be made known earlier, the respondent can use a complaint of nullity.

Canon 1274 - If the petitioner has not appeared on the day and at the hour set for the joinder of issues (contestatio litis) and has not offered a suitable excuse:

1° the judge is to cite the petitioner again;

2° a petitioner who does not obey the new citation, is presumed to have renounced the suit; 3° but the petitioner later wishes to intervene in the process, can. 1273 is to be observed.

Canon 1275 - §1. A party who is absent from the trial, who has not given proof of a just impediment, is obliged both to pay the expenses of the lawsuit which were incurred because of the absence and also to provide indemnity to the other party, if necessary.

§2. If both the petitioner and the respondent were absent from the trial, they are jointly obliged to pay the expenses of the lawsuit.

2° Intervention of a Third Person in the Case

Canon 1276 - §1. An interested party can be admitted to intervene in a case at any stage of the suit, either as a party defending one's own right or as an accessory to help a given litigant.

§2. However, in order to be admitted, such an interested party before the conclusion of the case must present to the judge a libellus briefly demonstrating the right to intervene.

§3. The person who intervenes in a case must be admitted at that stage which the case has reached with a brief and peremptory period of time assigned to present proofs if the case has reached the probatory stage.

Canon 1277 - After hearing the parties, the judge must summon to the trial a third party whose intervention seems necessary.

3° Attempts to Pending Litigation

Canon 1278 - Unless the innovation is accepted by the law itself, an attempt is the act, while a suit is pending, whereby something is introduced prejudicial to one party who does not agree either on the matter of litigation or on the procedural rights. Such an attempt may be introduced by one party against another or by a judge against one of the parties or against both.

Canon 1279 - An attempt is null by the law itself, therefore the judge must decide on its revocation; nevertheless it is sanated by law itself if within a month from the date of the notification of the attempt, a question is not proposed to the judge.

Canon 1280 - Questions on attempts are to be decided most expeditiously before the same judge of the main case if the attempt is introduced by one party; before the appeal court if it is introduced by a judge.

Art. VII. Publication of the Acts, Conclusion of the Case and Discussion of the Case

Canon 1281 - §1. After the proofs have been collected the judge by a decree must, under pain of nullity, permit the parties and their advocates to inspect at the tribunal chancery the acts which are not yet known to them; a copy of the acts can also be given to advocates upon request; however, in cases concerned with the public good, in order to avoid very serious dangers, the judge can decree that a given act is not to be shown to anyone, with due concern, however, that the right of defense always remains intact.

§2. In order to complete the proofs the parties may propose additional proofs to the judge; when these have been collected there is an occasion for repeating the decree mentioned in 1 if the judge thinks it necessary.

Canon 1282 - §1. When everything pertinent to the production of proofs has been completed, it is time for the conclusion of the case.

§2. The conclusion takes place whenever the parties declare that they have nothing more to add, or the time set by the judge for proposing proofs has

expired, or the judge declares that the case is sufficiently instructed.

§3. The judge is to issue a decree that the conclusion of the case has been completed, in whatever manner it took place.

Canon 1283 - §1. After the conclusion of the case, the judge can still call the same or other witnesses, or arrange for other proofs which had not been previously asked for, only: 1° in cases in which it is a question solely of the private good of the parties and if all the parties give consent;

2° in other cases, after hearing the parties and provided that there exists a serious reason and all danger of fraud or subordination is removed;

3° in all cases, whenever it is likely that the future sentence may turn out to be unjust because of the reasons listed in can. 1326, §2, nn. 1-3, if new proof is not admitted.

§2. However, the judge can order or allow that a document be exhibited which, perhaps, could not have been exhibited earlier, through no fault of the interested party.

§3. The new proofs are to be published with due regard for can. 1281, §1.

Canon 1284 - After the conclusion of the case, the judge is to determine an appropriate period of time for the presentation of defense briefs or observations.

Canon 1285 - §1. The defense briefs and observations are to be in writing unless the judge with the consent of the parties decides that an oral debate before the tribunal is sufficient.

§2. If the defense briefs together with the principal documents are to be printed, the prior authorization of the judge is required but with the obligation of secrecy if it exists.

§3. The regulations of the tribunal are to be observed as regards the length of the defense briefs, the number of copies and other additional matters of this kind.

Canon 1286 - §1. After the defense briefs and observations have been communicated to each one, both parties are permitted to present rejoinders within a short period of time set by the judge.

§2. This right is granted to the parties only once unless it seems to the judge that it must be granted a second time for a reason; however, in that case, the grant made to one party is considered made also to the other party.

§3. The promoter of justice and the defender of the bond have the right to reply again to the rejoinders of the parties.

Canon 1287 - §1. It is absolutely forbidden that information given to the judge by the parties or the advocates or other persons remain outside the acts of the case.

§2. If the discussion of the case has been done in writing, the judge can determine that moderate oral debate take place before the tribunal to elucidate certain questions.

Canon 1288 - A notary is to be present at the oral debate mentioned in cann. 1285, §1 and 1287, §2, so that, if the judge orders it or if a party requests it and the judge consents, the notary can immediately record in writing the points discussed and the conclusions.

Canon 1289 - If the parties neglect to prepare a defense brief within the time available to them, or if they entrust themselves to the knowledge and the conscience of the judge, the judge can pronounce sentence at once after requesting the observations of the promoter of justice and of the defender of the bond when they are involved in the trial, if the issue is plainly and fully known from the acts and proofs.

Art. VIII. The Pronouncements of the Judge

Canon 1290 - After the case has been tried in a judicial manner, if it is the principal case, it is settled by the judge by a definitive sentence; if it is an incidental case, it is settled by an interlocutory sentence, with due regard for the prescription of can. 1269, §1.

Canon 1291 - §1. For the pronouncement of any kind of sentence, there must be in the mind of the judge moral certitude regarding the matter to be settled by the sentence.

§2. The judge must derive this certitude from the acts and the proofs.

§3. However, the judge must evaluate the proofs conscientiously with due regard for the prescriptions of the law concerning the efficacy of certain proofs.

§4. A judge who cannot arrive at this certitude, is to pronounce that the right of the petitioner is not established, and is to dismiss the respondent as absolved, unless there is question of a case which enjoys the favor of the law, in which case the decision must be in favor of it.

Canon 1292 - §1. If the tribunal is collegiate, the presiding judge of the college is to determine on what day and at what hour the judges are to convene for their deliberation; and the meeting is to be held at the tribunal unless a special reason suggests otherwise; only the college of judges can be present.

§2. On the day assigned for the meeting, the judges shall individually and without indicating their names submit in writing their conclusions on the merits of the case and the reasons, both in law and in fact, for arriving at these conclusions, which are to be appended to the acts of the case with a notation of their authenticity signed by all the judges, and are to be kept secret with due regard for 4.

§3. The conclusions of the individual judge are to be made known in the order of precedence, but beginning always with the ponens or the relator of the case, and there is to be a discussion under the leadership of the presiding judge, especially in order to decide what is to be determined in the dispositive part of the sentence.

§4. In the discussion, however, each judge has the right to retract his or her original conclusions; on the other hand, a judge who does not wish to accede to the decision of the others, can demand that his or her conclusions be transmitted to the higher tribunal if there is an appeal.

§5. But if the judges are unwilling or unable to arrive at a sentence in the first discussion, the decision can be deferred to another meeting but not beyond one week unless the instruction of the case must be completed in accordance with the norm of can. 1283.

Canon 1293 - §1. If there is only one judge, that judge will write the sentence.

§2. In a collegiate tribunal it is the duty of the ponens or relator to write the sentence, drawing the reasons from those which the individual judges brought out in the discussion, unless it has been previously decided by the majority of the judges which reasons are to be preferred; then the sentence is to be submitted for the approval of the individual judges.

§3. The sentence must be issued not beyond one month from the day on which the case was settled, unless, in a collegiate tribunal, the judges set a longer period of time for a serious reason.

Canon 1294 - A sentence must:

1° settle the controversy discussed before the tribunal with an appropriate response given to each one of the questions;

2° settle what obligations of the parties arise from the trial and how they must be fulfilled; 3° set fourth the reasons, that is, the motives both in law and in fact on which the dispositive section of the sentence is based;

4° make a determination about judicial expenses.

Canon 1295 - §1. After the invocation of the Divine Name, the sentence must express in sequence who is the judge or the tribunal; who is the petitioner, the respondent, the procurator, with the names and domiciles correctly indicated; the promoter of justice and the defender of the bond, if they took part in the trial.

§2. Next, it must briefly report the facts together with the conclusions of the parties and the formulation of the doubt.

§3. Following these points is the dispositive section of the sentence preceded by the reasons on which it is based.

§4. It is to close with an indication of the day and place where it was rendered and with the signature of the judge or, if it is a collegiate tribunal, with the signatures of all the judges and the notary.

Canon 1296 - The regulations mentioned above concerning a definitive sentence are to be adapted to an interlocutory sentence.

Canon 1297 - The sentence is to be communicated as soon as possible indicating the time in which an appeal of the sentence can be place; it has no force before it is communicated even if the dispositive section has been made known to the parties with the permission of the judge.

Canon 1298 - The communication of the sentence can be made either by giving a copy of the sentence to the parties or their procurators or by sending a copy to them in accordance with the norm of can. 1192.

Canon 1299 - §1. If in the text of the sentence either an error in calculation has crept in, or a material error has occurred in transcribing the dispositive section, or reporting the facts or the petitions of the parties, or if the points required by can. 1295, §4 were omitted, the sentence must be corrected or completed at the request of the parties or ex officio by the tribunal which issued the sentence; the parties, moreover, must always be heard and a decree appended at the bottom of the sentence.

§2. If any party objects, the incidental question is to be settled by decree.

Canon 1300 - The other pronouncements of a judge, over and above the sentence, are decrees which, if they are not merely procedural, have no force unless they express the reasons at least in a summary fashion, or refer to reasons expressed in some other act.

Canon 1301 - An interlocutory sentence or a decree has the force of a definitive sentence if it stops the trial, or if it puts an end to the trial or to some grade of the trial as regards at least some party in the case.

Art. IX. Challenge of the Sentence

1° Complaint of Nullity Against the Sentence

Canon 1302 - With due regard for cann. 1303 and 1304, nullity of acts which are established by positive law and which, although they were known to the party proposing the complaint, have not been denounced to the judge before the sentence, are sanated by the sentence itself if it is a case involving the private good.

Canon 1303 - §1. A sentence is vitiated by irremediable nullity if: 1° it was rendered by a judge who is absolutely incompetent;

2° it was rendered by a person who lacks the power of judging in the tribunal in which the case was settled;

3° the judge passed the sentence under duress from force or grave fear; 4° the trial was instituted without the judicial petition mentioned in can. 1104, §2, or was not instituted against some respondent;

5° it was rendered between parties one of whom at least did not have standing in court; 6° one person acted in the name of another without a legitimate mandate; 7° the right of defense was denied to one or other party;

8° it did not settle the controversy even partially.

§2. In these cases, the complaint of nullity can always be proposed by way of the exception in perpetuity and by way of action before the judge who pronounced the sentence within ten years from the date of publication of the sentence.

Canon 1304 - §1. A sentence is vitiated by remediable nullity only, if: 1° it was rendered by an illegitimate number of judges contrary to the prescription of can. 1084; 2° it does not contain the motives, that is, the reasons for the decision; 3° it lacks the signatures prescribed by law;

4° it does not contain reference to the year, month, day and place in which it was pronounced; 5° it is based on a judicial act which is null and whose nullity was not sanated according to the norm of can. 1302;

6° it was rendered against a party who was legitimately absent as provided for in can. 1273, §2.

§2. The complaint of nullity in these cases can be proposed within three months from the notification of publication of the sentence.

Canon 1305 - The judge who pronounced the sentence examines the complaint of nullity; but if the party fears that the judge who pronounced the sentence which is being challenged by the complaint of nullity may be prejudiced and, as a result, regards him or her as suspect, the party can demand that another judge be substituted according to the norm of can. 1108.

Canon 1306 - A complaint of nullity can be proposed together with an appeal within the time determined for an appeal.

Canon 1307 - §1. Not only the parties who feel themselves aggrieved can file a complaint of nullity but also the promoter of justice or the defender of the bond whenever they have the right to intervene.

§2. A judge himself can ex officio retract or amend an invalid sentence which he has pronounced, within the time period for acting set by cann. 1303, §2 and 1304, §2, unless meanwhile an appeal together with a complaint of nullity has been filed.

Canon 1308 - Cases involving a complaint of nullity can be treated according to the norms for the oral contentious process.

2° Appeal

Canon 1309 - The party who feels aggrieved by a given sentence and likewise the promoter of justice and the defender of the bond in cases in which their presence is required, have the right to appeal from a sentence to a higher judge, with due regard for the prescription of can. 1310.

Canon 1310 - There is no room for appeal:

1° from a sentence of the Roman Pontiff himself or of the Apostolic Signatura; 2° from a sentence vitiated by nullity unless it is joined with a

complaint of nullity according to the norm of can. 1306;

3° from a sentence which has become res iudicata;

4° from the decree of a judge or an interlocutory sentence which does not have the force of a definitive sentence, unless it is joined with an appeal from a definitive sentence; 5° from a sentence or from a decree in a case in which the law provides for settlement of the matter most expeditiously (expeditissime).

Canon 1311 - §1. An appeal must be filed before the judge who pronounced the sentence within the peremptory time limit of fifteen available days (tempus utile) from notification of the publication of the sentence.

§2. If it is made orally, the notary is to put it in writing in the presence of the appellant.

Canon 1312 - A delegate cannot appeal to the one who delegated him but to his immediate superior, unless the delegation has come from the Apostolic See itself.

Canon 1313 - If a question arises regarding the right of appeal, the appellate tribunal should examine it most expeditiously according to the norms of the summary contentious process.

Canon 1314 - An appeal must be prosecuted within a month of its being filed before the judge to whom it is directed, unless the judge from whom appeal is made has set a longer period of time for the party of prosecute it.

Canon 1315 - §1. In order to prosecute an appeal, it is required and suffices that the party call upon the services of the higher judge for the emendation of the challenged sentence, append a copy of this sentence, and indicate the reasons for the appeal.

§2. Meanwhile the judge from whom the appeal is being made must transmit the acts, duly authenticated by the notary, to the higher tribunal; if the acts are written in a language unknown to the appellate tribunal they are

to be carefully translated into a language known to the tribunal and authenticated.

Canon 1316 - If the deadline for appeal either before the judge from whom the appeal is being made or before the judge to whom the appeal is directed has passed without result, the appeal is considered abandoned.

Canon 1317 - §1. The appellant can renounce the appeal with the effects mentioned in can. 1206.

§2. If the appeal was proposed by the defender of the bond or the promoter of justice, it can be renounced by the defender of the bond or the promoter of justice of the appellate tribunal unless the law provides otherwise.

Canon 1318 - §1. An appeal lodged by the petitioner also benefits the respondent and vice versa.

§2. If there are several respondents or petitioners, and if the sentence is challenged by only one or against only one of them, the challenge is considered made by all of them and against all of them whenever the matter sought is indivisible or it is a joint obligation.

§3. If an appeal is filed by one party regarding one part of the sentence, the other party can place an incidental appeal regarding the other parts within a peremptory time period of fifteen days from the date of being notified of the principal appeal even though the deadline for an appeal has expired.

§4. Unless there is evidence to the contrary, it is presumed that an appeal is made against all parts of a sentence.

Canon 1319 - An appeal suspends the execution of a sentence.

Canon 1320 - §1. With due regard for the prescription of can. 1369, a new basis for petitioning may not be admitted at the appellate level not even by way of helpful cumulation; consequently, the joinder of issues (litis contestatio) can focus only on whether the prior sentence is to be confirmed or revised, either totally or partially.

§2. Moreover, new proofs are admitted only in accordance with the norm of can. 1283.

Canon 1321 - At the appellate level the procedure is the same as in first instance insofar as it is applicable; however, immediately after the joinder of issues has taken place the case is to be discussed and the sentence rendered unless perhaps the proofs must be completed.

Art. X. Res Iudicata, Restitutio in Integrum and the Opposition of a Third Party

1° Res Iudicata

Canon 1322 - With due regard for the prescription of can. 1324, a res iudicata results: 1° if two concordant sentences have been issued between the same persons regarding the same petition and arising out of the same basis for petitioning;

2° if an appeal against the sentence has not been filed within the available time (tempus utile); 3° if, at the appellate level, the prosecution of the suit has been estopped or renounced; 4° if a definitive sentence has been rendered from which no appeal is granted.

Canon 1323 - §1. A res iudicata possesses stability of law so it can only be challenged by a complaint of nullity, restitutio in integrum or the opposition of a third party.

§2. A res iudicata settles an issue between the parties and gives rise to an action for execution and an exception of res iudicata, which the judge can declare ex officio to prevent a new introduction of the same case.

Canon 1324 - Cases concerning the status of persons, including those concerning the separation of spouses, never become a res iudicata.

Canon 1325 - §1. If two concordant sentences have been pronounced in a case concerning the status of persons, it can be challenged at any time to an appellate tribunal if new and serious proofs or arguments are brought forward within the peremptory time period of thirty days from the proposed challenge.

However, within a month from the presentation of the new proofs and arguments, the appellate tribunal must settle by decree whether a new presentation of the case must be admitted or not.

§2. An appeal to a higher tribunal to obtain a new presentation of the case does not suspend the execution of the sentence, unless either the law provides otherwise or the appellate tribunal orders its suspension, in accordance with the norm of can. 1337, §3.

2° Restitutio in Integrum

Canon 1326 - §1. Restitutio in integrum is granted against a sentence which has become a res iudicata provided that there is clear proof of its injustice.

§2. However, clear proof of injustice is verified only if:

1° the sentence is so based on proofs which are later discovered to be false so that without those proofs the dispositive section of the sentence would not be sustained; 2° afterwards documents have been found which undoubtedly prove new facts which demand a contrary decision;

3° the sentence was pronounced because of the fraud of one party which harmed the other; 4° a prescription of the law which is not merely procedural has been evidently neglected; 5° the sentence is contrary to a preceding sentence which has become a res iudicata.

Canon 1327 - §1. Restitutio in integrum for the reasons mentioned in can. 1326, §2, nn. 1-3 must be sought from the judge who issued the sentence, within three months to be computed from the date of one's becoming aware of the reasons.

§2. Restitutio in integrum for the reasons mentioned in can. 1326, §2, nn. 4 and 5 must be sought from the appellate tribunal within three months from the communication of the sentence; but if, in the case mentioned in can. 1326, §2, n. 5, notification of the preceding decision is had later, the time limit runs from this notification.

§3. The time limits mentioned above do not expire as long as the injured person is a minor.

Canon 1328 - §1. A petition of restitutio in integrum suspends the execution of a sentence if the execution has not yet begun.

§2. If, however, from probable indications there is a suspicion that the petition has been made in order to delay the execution of the sentence, the judge can decree that the sentence be executed but with due caution being taken to indemnify the person seeking restitutio in integrum if it is granted.

Canon 1329 - If restitutio in integrum is granted, the judge must pronounce on the merits of the case.

3° Opposition of a Third Party

Canon 1330 - Those who fear damage of their rights from a given definitive sentence that had been ordered for execution, can attack the same sentence before its execution.

Canon 1331 - §1. An opposition can be filed either by asking the tribunal that issued the sentence for its revision or by appealing to the tribunal of appeals.

§2. If the petition is accepted and the opponent acts at the appeal level, he is to be bound by the norms on appeals; if the case is presented before the tribunal that gave the sentence the procedural norms for incidental cases ought to be followed.

Canon 1332 - §1. The opponent in any case must prove that his or her right has been truly damaged or is going to be damaged.

§2. The damage must derive from the sentence itself, insofar as it constitutes its cause or, if execution is ordered, as it is going to affect the opponent with a serious prejudice.

Canon 1333 - If the opponent proves his or her right, the sentence given earlier is to be modified by the tribunal in accordance with the petition of the opponent.

Art. XI. Gratuitous Legal Assistance and Judicial Expenses

Canon 1334 - The poor, that is, those who are totally unable to pay the court costs, have the right to the gratuitous legal assistance; those who can pay only part of the court costs, to a diminution of expenses.

Canon 1335 - The statutes of the tribunal must determine norms regarding: 1° the parties to be liable for paying or compensating for judicial expenses; 2° the honoraria for procurators, advocates, experts and interpreters and the indemnification of witnesses.

3° the granting of gratuitous legal assistance or a diminution of expenses; 4° the recovery of damages which are owed by the one who not only lost the case but also engaged in litigation rashly;

5° the depositing of money or the guarantees to be made concerning the expenses to be paid and the damages to be recovered.

Canon 1336 - From a pronouncement relating to expenses, honoraria and recovery of damages, there is no separate appeal; but the party can have recourse within fifteen days to the same judge who can adjust the assessment.

Art. XII. The Execution of the Sentence

Canon 1337 - §1. A sentence which has become a res iudicata can be executed with due regard for the prescription of can. 1328.

§2. The judge who rendered the sentence and also the appellate judge if an appeal has been filed, can ex officio or at the request of a party order a provisional execution of a sentence which has not yet become a res iudicata after having arranged, if the case warrants, for the rendering of appropriate guarantees if there is question of provisions or payments for necessary sustenance or if some other just cause is pressing.

§3. On the other hand if the sentence mentioned is challenged and if the judge who must take cognizance of the challenge sees that it is probably well-founded and irreparable harm could arise from the execution of the sentence, the judge can suspend its execution or subject it to a safeguard.

Canon 1338 - There can be no execution of a sentence prior to an executory decree of the judge in which it is stated that the sentence must be executed; this decree is to be included in the text of the sentence or issued separately, according to the different types of cases.

Canon 1339 - If the execution of the sentence demands a prior rendering of accounts, it is an incidental question which must be decided by the judge who passed the sentence ordering the execution.

Canon 1340 - §1. Unless particular law of a Church sui iuris determines otherwise, the eparchial bishop of the eparchy in which the first instance sentence was rendered, must execute the sentence personally or through another.

§2. If he refuses or neglects to do so, the execution belongs to the authority to which the appellate tribunal is subject, at the request of an interested party or ex officio.

§3. In cases of can. 1069, §1 the execution of a sentence belongs to the superior determined by the statutes or typicon.

Canon 1341 - §1. Unless something is left to the discretion of the executor in the text of the sentence, the executor must execute the sentence according to the obvious meaning of the words.

§2. The executor may consider exceptions regarding the manner and force of the execution but not regarding the merits of the case; but if it has been discovered from other sources that the sentence is invalid or manifestly unjust according to the norm of cann. 1303, 1304 and 1326, §2 the executor is to refrain from executing it, refer the matter to the tribunal which issued the sentence, and inform the parties.

Canon 1342 - §1. As regards real actions, wherever a given thing has been adjudicated as belonging to the petitioner, if must be handed over to the petitioner as soon as there is a res iudicata.

§2. If the respondent is to furnish something mobile, to pay money, or to give or to do something else, the judge in the text of the sentence, or the

executor with personal discretion and prudence is to set a time limit for fulfilling the obligation, which, however, is not to be less than fifteen days nor more than six months.

Chapter II. The Summary Contentious Trial

Canon 1343 - §1. All cases which are not excluded by law can be tried in the summary contentious process unless a party requests the ordinary contentious process.

§2. If the process is used outside of cases permitted by law, the judicial acts are null.

Canon 1344 - §1. In addition to the points mentioned in can. 1187, the introductory libellus by which the suit is introduced must:

1° set forth briefly, completely and clearly the facts on which the requests of the petitioner are based; 2° so indicate the proofs by which the petitioner intends to demonstrate the facts, but which cannot be produced at once, so that they can be gathered at once by the judge.

§2. The documents on which the petition is based must be attached to the libellus, at least in an authentic copy.

Canon 1345 - §1. If an attempt at reconciliation according to the norm of can. 1103, §2, has been fruitless, the judge, if he believes that the libellus has some foundation, is to order within three days by a decree appended to the bottom of the libellus that a copy of the petition be communicated to the respondent, granting the latter the right to send a written response to the chancery of the tribunal within fifteen days.

§2. This notification has the effects of the judicial citation mentioned in can. 1194.

Canon 1346 - If the exceptions of the respondent demand it, that judge is to set a time limit for the petitioner to respond so as to clarify the object of the controversy from the points raised by each of them.

Canon 1347 - §1. When the time limits mentioned in cann. 1345, §1 and 1346 have expired, the judge, after having examined the acts, is to determine the formulation of the doubt; next, the judge is to cite to a

hearing, to be held within thirty days, all who must be present at it; the judge is to attach the formulation of the doubt to the citation for the parties.

§2. In the citation the parties are to be informed that they can present to the tribunal a brief written statement in support of their allegations at least three days prior to the hearing.

Canon 1348 - At the hearing the questions mentioned in cann. 1118, 1119, 1121, and 1122 are to be treated first.

Canon 1349 - §1. The proofs are collected at the hearing with due regard for the prescriptions of can. 1071.

§2. The party and his or her advocate can be present at the examination of the other parties, of the witnesses, and the experts.

Canon 1350 - The responses of the parties, witnesses, and the experts, and the petitions and exceptions of the advocates must be put in writing by the notary but in a summary fashion and only as regards those matters which pertain to the substance of the controverted matter, and they must be signed by those making depositions.

Canon 1351 - Only in accordance with the norm of can. 1110 can the judge admit proofs which have not been presented or asked for in the petition or the response; however, after even a single witness has been heard, the judge can decree new proofs only in accordance with the norm of can. 1283.

Canon 1352 - If all the proofs cannot be collected at the hearing, a second hearing is to be scheduled.

Canon 1353 - When the proofs have been collected, the oral discussion takes place at the same hearing.

Canon 1354 - §1. Unless from the discussion it is discovered that something must be supplied in the instruction of the case or something else turns up which prevents the due pronouncement of the sentence, the judge immediately decides the case privately when the hearing has been

completed; the dispositive part of the sentence is to be read at once in the presence of the parties.

§2. However, the tribunal can defer the decision until the fifth available day because of the difficulty of the matter or for another just cause.

§3. The complete text of the sentence with the reasons expressed is to be made known to the parties as soon as possible, ordinarily not beyond fifteen days.

Canon 1355 - If the appellate tribunal should discover that in a lower grade of the trial the oral contentious process was used in cases excluded by the law, it is to declare the nullity of the sentence and remand the case to the tribunal which passed it.

Canon 1356 - In other matters which pertain to the mode of procedure, the prescriptions of the canons concerning the ordinary contentious trial are to be observed. However, the tribunal by a decree giving the reasons, can derogate from procedural norms which have not been determined for validity, in order to expedite matters with due regard for justice.

TITLE XXVI. CERTAIN SPECIAL PROCEDURES

Chapter I. Marriage Processes

Art. I. Cases to Declare the Nullity of Marriage

1° The Competent Forum

Canon 1357 - Marriage cases of the baptized belong to the Church by proper right.

Canon 1358 - Without prejudice to personal Statutes where they are in force, cases involving the merely civil effects of marriage, if they are to be decided as the principle case, belong to the civil magistrate, but these cases can be tried and decided by the ecclesiastical judge when they arise as incidental and accessory.

Canon 1359 - In cases regarding the nullity of marriage which are not reserved to the Apostolic See the following are competent:

1° the tribunal of the place in which the marriage was celebrated; 2° the tribunal of the place in which the respondent has a domicile or quasi-domicile; 3° the tribunal of the place in which the petitioner has a domicile, provided that both parties live in the territory of the same nation and the judicial vicar of the domicile of the respondent agrees, after hearing the respondent;

4° the tribunal of the place in which de facto most of the proofs are to be collected provided that the judicial vicar of the domicile of the respondent agrees after hearing the respondent.

2° The Right to Challenge a Marriage

Canon 1360 - The following are capable of challenging a marriage: 1° the spouses;

2° the promoter of justice when the nullity has become public, if the marriage cannot be convalidated or this is not expedient.

Canon 1361 - §1. A marriage which has not been impugned during the lifetime of both spouses cannot be impugned after the death of either one or both spouses unless the question of validity is prejudicial to the resolution of another controversy either in the canonical forum or in the civil forum.

§2. However, if a spouse dies while a case is pending, can. 1199 is to be observed.

3° The Obligations of the Judges and Tribunal

Canon 1362 - Before accepting a case and whenever there seems to be hope of a successful outcome, the judge is to use pastoral means to induce the spouses, if at all possible, to convalidate the marriage and to restore conjugal living.

Canon 1363 - §1. When the libellus introducing the suit has been accepted, the presiding judge or the ponens is to proceed to the communication of the decree of citation according to the norms of can. 1191.

§2. Unless either party has petitioned for a session on the joinder of the issues (contestatio litis), when fifteen days have passed after such a communication, the presiding judge or the ponens is to determine the formulation of the doubt or doubts within ten days by a decree ex officio and notify the parties.

§3. The formulation of the doubt not only is to ask whether there is proof of nullity of marriage in the case, but it also must determine on what ground or grounds the validity of the marriage is to be challenged.

§4. Ten days after the communication of the decree, the presiding judge or the ponens is to arrange for the instruction of the case by a new decree if the parties were not opposed.

4° Proofs

Canon 1364 - §1. The defender of the bond, the advocates of the parties and the promoter of justice, if intervening in the suit, have the right:

1° to be present at the examination of the parties, the witnesses and the experts, with due regard for the prescription of can. 1240;

2° to inspect the judicial acts even though not published and to review the documents produced by the parties.

§2. The parties cannot assist at the examination mentioned in 1, n. 1.

Canon 1365 - Unless full proofs are present from other sources, in evaluating the deposition of the parties in accordance with can. 1217, §2, the judge is to use witnesses regarding the credibility of the parties, if possible, as well as other indications and aids.

Canon 1366 - In cases of impotence or defect of consent due to mental illness, the judge is to use the services of one or more experts unless it is obvious from the circumstances that this would be useless; in other cases the prescription of can. 1255 is to be observed.

Canon 1367 - During the instruction of a case, whenever a very probable doubt emerges that the marriage was not consummated, after suspending the nullity case with the consent of the parties, the tribunal can complete the instruction of the case for a dissolution of a non-consummated sacramental marriage; the acts are to be sent to the Apostolic See together with a petition for this dissolution from either or both spouses and with the votum of the tribunal and the eparchial bishop.

5° The Sentence and the Appeal

Canon 1368 - §1. The sentence which first declared the nullity of the marriage together with the appeals if there are any and the other acts of the trial, are to be sent ex officio to the appellate tribunal within twenty days from the communication of the sentence.

§2. If the sentence rendered in favor of the nullity of marriage was in the first grade of trial, the appellate tribunal by its own decree is to confirm the decision without delay or admit the case to an ordinary examination of a new grade of trial, after considering the observations of the defender of the bond and those of the parties if there are any.

Canon 1369 - If at the appellate level a new ground of nullity of the marriage is offered, the tribunal can admit it and judge it as if in first instance.

Canon 1370 - §1. After the sentence which first declared the nullity of marriage has been confirmed at the appellate level either by decree or by another sentence, those persons whose marriage was declared null can contract new marriages immediately after the decree or the second sentence has been made known to them unless a prohibition is attached to his sentence or decree, or it is prohibited by a determination of the local hierarch.

§2. The prescriptions of can. 1325 must be observed, even if the sentence which declared the nullity of marriage was not confirmed by another sentence but by a decree.

Canon 1371 - Immediately after the sentence has been executed, the judicial vicar must notify the hierarch of the place in which the marriage was celebrated about this. That hierarch must take care that notation be made quickly in the matrimonial and baptismal registers concerning the nullity of the marriage and any prohibitions which may have been determined.

6° The Documentary Process

Canon 1372 - §1. After a petition has been admitted, the judicial vicar or a judge designated by him, omitting the formalities of the ordinary process but having cited the parties and with the intervention of the defender of the bond, can declare the nullity of a marriage by a sentence, if from a document which is subject to no contradiction or exception there is certain proof of the existence of a diriment impediment or a defect of the form for the celebration of marriage required by law, provided that it is clear with equal certitude that a dispensation was not granted; this can also be done if there is certain proof of the defect of a valid mandate of procurator.

§2. However if it is the case of one who would have been obliged to observe the prescribed form for the celebration of marriage required by law, but who attempted marriage before a civil official or a non-Catholic

minister, the pre-nuptial investigation mentioned in can. 784 suffices to prove his or her free status.

Canon 1373 - §1. If the defender of the bond prudently thinks that either the flaws mentioned in can.

1372, §1 or the lack of a dispensation are not certain, the defender of the bond must appeal against this declaration to the judge of second instance, to whom the acts must be sent and who must be advised in writing that it is a question of a documentary process.

§2. The party who feels aggrieved retains the right to appeal.

Canon 1374 - The judge in second instance, with the intervention of the defender of the bond, having heard the parties, shall decree whether the sentence is to be confirmed or whether the case must rather be handled according to the ordinary process of law; and in that case the judge remands it to the tribunal of first instance.

7° General Norms

Canon 1375 - Cases declaring the nullity of marriage cannot be treated in a summary contentious process.

Canon 1376 - In other procedural matters, the canons on trials in general and on the ordinary contentious trial are to be applied unless the nature of the matter precludes it; however, the special norms on cases affecting the public good are to be observed.

Canon 1377 - In the sentence the parties are to be advised of the moral and even civil obligations which they may have to each other and to their children as regards the support and education of the latter.

Art. II. Cases of Separation of Spouses

Canon 1378 - §1. Personal separation of spouses, unless otherwise legally provided for in particular places, can be decided by a decree of a eparchial bishop, or by a sentence of a judge.

§2. Where an ecclesiastical decision has no civil effects, or if it is foreseen that a civil sentence is not contrary to divine law, the eparchial bishop of the eparchy of residence of the spouses can give them permission to approach the civil forum, having considered the particular circumstances.

§3. Also, if a case is concerned only with the merely civil effects of marriage, the judge can determine if is sufficient, with the permission of the eparchial bishop, that the case be deferred to the civil forum from the start.

Canon 1379 - §1. Unless one party seeks an ordinary contentious process, a summary contentious process is to be used.

§2. If the ordinary contentious process has been used and an appeal is proposed, the appellate tribunal, after hearing the parties, is to proceed by its decree whether to confirm the decision or admit the case to an ordinary examination in the second degree.

Canon 1380 - The prescriptions of can. 1359, nn. 2 and 3 are to be observed in regard to the competence of the tribunal.

Canon 1381 - Before accepting the case and whenever it is perceived that there is hope of a successful outcome, the judge is to use pastoral means to reconcile the spouses and induce them to restore conjugal living.

Canon 1382 - In cases involving the separation of spouses, the promoter of justice must always intervene in accordance with the norm of can. 1097.

Art. III. Process in the Presumed Death of a Spouse

Canon 1383 - §1. Whenever the death of a spouse cannot be proven by an authentic ecclesiastical or civil document, the other spouse is not considered free from the bond of marriage until after a declaration of presumed death is made by the eparchial bishop.

§2. The eparchial bishop can make this declaration only after appropriate investigation has enabled him to attain moral certitude of the death of a spouse from the depositions of witnesses, from rumor, or from indications. The mere absence of a spouse, even for a long time, is insufficient.

§3. In uncertain and complex cases, an eparchial bishop exercising his power within the territorial boundaries of a patriarchal Church shall consult the patriarch; other eparchial bishops shall consult the Apostolic See.

§4. In such a procedure the intervention of the promoter of justice is required, but not of the defender of the bond.

Art. IV. The Process for Obtaining a Dissolution of a Non-Consummated Marriage or the Dissolution of a Marriage in Favor of the Faith

Canon 1384 - In order to obtain the dissolution of a non-consummated sacramental marriage or the dissolution of a marriage in favor of the faith, the special norms issued by the Apostolic See are to be followed.

Chapter II. Cases for Declaring the Nullity of Sacred Ordination

Canon 1385 - The cleric himself, the hierarch to whom he is subject, or the hierarch in whose eparchy he was ordained have the right to impugn the validity of sacred ordination.

Canon 1386 - §1. The libellus attacking the validity of sacred ordination must be sent to the competent dicastery of the Roman Curia which will determine whether the case is to be handled by it or by a tribunal designated by it.

§2. If the dicastery remands the case to a tribunal, the canons on trials in general and on the ordinary contentious trial are to be observed unless the nature of the matter precludes this; the canons on the summary contentious process cannot, however, be used.

§3. Once the libellus is sent, the cleric is forbidden to exercise orders by the law itself.

Canon 1387 - After the second sentence which has confirmed the nullity of sacred ordination the cleric loses all rights proper to the clerical state and is free of all obligations.

Chapter III. The Procedure in the Removal or Transfer of Pastors

Canon 1388 - In the removal or transfer of pastors, cann. 1389-1400 are to be observed unless something else is established by particular law approved by the Apostolic See.

Art. I. The Manner of Proceeding in Removing Pastors

Canon 1389 - When the ministry of any pastor has become detrimental or at least ineffective for any reason, even through no grave fault of his own, he can be removed from the parish by the eparchial bishop.

Canon 1390 - The reasons for which a pastor can be legitimately removed from his parish are especially the following:

1° a way of acting which is gravely detrimental or disturbing to ecclesiastical communion; 2° incompetence or a permanent infirmity of mind or body which renders a pastor incapable of performing his functions in a useful way;

3° loss of good reputation among upright and good parishioners or aversion to the pastor which are foreseen as not ceasing in a short time;

4° grave neglect or violation of parochial duties which persist after a warning; 5° poor administration of temporal affairs with grave damage to the Church whenever this problem cannot be remedied in any other way.

Canon 1391 - §1. If after an inquiry has been conducted, it is proven that a reason is present, the eparchial bishop is to discuss the matter with two pastors from the group of pastors permanently selected for this by the presbyteral council after their being proposed by the eparchial bishop; but if subsequently he decides that the removal must take place, he is paternally to persuade the pastor to resign the pastorate within a period of fifteen days, after he has explained, for validity, the reason and the arguments for removal.

§2. The pastor who is a member of a religious institute or a society of common life in the manner of religious can be removed either at the

discretion of the eparchial bishop after having notified the major superior or by the major superior who has notified the eparchial bishop, without the need of each other's consent.

Canon 1392 - A resignation by a pastor can be submitted conditionally provided that this can be legitimately accepted by the eparchial bishop and is actually accepted.

Canon 1393 - §1. If the pastor has not answered within the prescribed time period the eparchial bishop is to repeat the invitation extending the available time for response.

§2. If the bishop has the proof that the pastor has received the second invitation but has not responded although not hindered by any impediment or if the pastor refuses to resign giving no reasons, the eparchial bishop is to issue the decree of removal.

Canon 1394 - But if the pastor opposes the cause alleged for removal and its reasons, alleging reasons which appear insufficient to the eparchial bishop, in order for the latter to act validly, he is to: 1° invite the pastor to organize his challenges to removal in a written report, having inspected the acts, and also to offer proofs to the contrary, if he has any;

2° consider the matter with the same pastors mentioned in can. 1391, §1 unless others must be designated due to their inability, after he has completed the instruction if necessary; 3° finally determine whether or not the pastor must be removed and promptly issue a decree on the matter.

Canon 1395 - When the pastor has been removed, the eparchial bishop is to provide for him through an assignment to another office, if he is suitable for this, or through a pension, as the case requires and circumstances permit.

Canon 1396 - §1. The removed pastor must abstain from exercising the office of pastor, vacate the rectory immediately, and hand over all that pertains to the parish to the one to whom the bishop entrusts the parish.

§2. If there is question of a sick pastor who cannot be transferred elsewhere from the rectory without inconvenience, the eparchial bishop is to leave the

rectory even to his exclusive use while this need lasts.

§3. While recourse is pending against the decree of removal, the bishop cannot name a new pastor but meanwhile is to provide a parish administrator.

Art. II. The Manner of Proceeding in the Transfer of Pastors

Canon 1397 - If the good of souls or the need or advantage of the Church requires that a pastor be transferred from his parish which he is governing usefully to another parish or to another office, the eparchial bishop is to propose the transfer to him in writing and persuade him to consent to it for the love of God and of souls.

Canon 1398 - If the pastor does not intend to yield to the counsel and persuasion of the eparchial bishop, he is to explain his reasons in writing.

Canon 1399 - §1. Notwithstanding the reasons alleged, if the eparchial bishop judges that he is not going to change his plans, he is to discuss the reasons which favor or oppose the transfer with the two pastors chosen in accordance with can. 1391, §1; if he then decides to implement the transfer, he is to repeat the paternal exhortations to the pastor.

§2. When this has been done, if the pastor still refuses and the eparchial bishop thinks the transfer must be made, he is to issue a decree of transfer stating that the parish shall be vacant after the lapse of a predetermined time.

§3. If this period of time has passed in vain, the eparchial bishop is to declare the parish vacant.

Canon 1400 - In cases of transfer, the prescriptions of can. 1396, are to be observed with due regard to rights and equity.

TITLE XXVII. PENAL SANCTIONS IN THE CHURCH

Chapter I. Delicts and Penalties in General

Canon 1401 - Since God employs every means to bring back the erring sheep, those who have received from Him the power of loosing and binding, are to treat appropriately the illness of those who have committed offenses, by correcting, reproving, appealing, constantly teaching and never losing patience, and are even to impose penalties in order to ensure that the wounds inflicted by the offense may receive a cure and to preclude the offender from being given to dissoluteness of life and contempt of the law.

Canon 1402 - §1. Every contrary custom being reprobated, a canonical penalty must be imposed through a penal trial prescribed in cann. 1468-1482, without prejudice to the coercive power of the judge in the instances mentioned expressly in the law.

§2. If, however, in the judgment of the authority spoken of in 3, there are weighty reasons precluding a penal trial, and the proofs of the offense are certain, the offense can be punished by an extra-judicial decree in accordance with cann. 1486 and 1487, as long as it is not a case of a deprivation of office, title, insignia or a suspension for more than one year, demotion to a lower grade, deposition or major excommunication.

§3. Besides the Apostolic See, such a decree can be issued, within the limits of their competence, by the patriarch, major archbishop, eparchial bishop and the major superior of an institute of consecrated life who enjoys ordinary governing power, all others being excluded.

Canon 1403 - §1. Even when it is a case of offenses which carry by law an obligatory penalty, the hierarch can abstain from a penal process, and even abstain totally from imposing penalties, after having heard the promoter of justice, as long as in the judgment of the hierarch the following conditions simultaneously concur: the offender, who has not yet been brought to trial, moved by sincere repentance, has confessed his offense to the hierarch in the external forum, and adequate provision has been made to repair the scandal and the harm.

§2. However, the hierarch cannot do this when it is an offense which carries a penalty whose remission is reserved to a higher authority, until he has received permission from the same authority.

Canon 1404 - §1. In the matter of penalties, the more benign interpretation is to be followed.

§2. It is not permitted to extend a penalty from one person to another, or from one case to another, although the reasoning may be the same, or even weightier.

Canon 1405 - §1. Whoever has legislative power can also issue penal laws insofar as they are truly necessary to provide more aptly for ecclesiastical discipline; he can also by his own laws strengthen with a suitable penalty divine law or ecclesiastical law enacted by higher authority, observing the territorial and personal limitations of his competence.

§2. Particular law may add additional penalties to the penalties established in common law for a certain offense, but this shall not be done except for a very serious reason. If, however, common law has established an indeterminate or facultative penalty, particular law can establish in its place a determinate or obligatory penalty.

§3. Patriarchs and eparchial bishops shall take care that particular penal laws be uniform in the same territory, to the extent that this is possible.

Canon 1406 - §1. To the extent that someone can impose precepts, he can, after mature reflection and with utmost moderation, threaten by precept determinate penalties, with the exception of those enumerated in can. 1402, §2. The patriarch, however, can threaten even these penalties by precept with the consent of the permanent synod.

§2. A warning containing the threat of penalties by which the hierarch sanctions a non-penal law in individual cases, is equivalent to a penal precept.

Canon 1407 - §1. If, in the judgment of the hierarch who can inflict a penalty, the nature of the offense permits it, the penalty cannot be imposed

unless the offender has been warned at least once in advance to desist from the offense, with adequate time given for reconsideration.

§2. One is to be said to have desisted from the offense who has sincerely repented the misdeed, and has in addition given adequate reparation of the scandal and of the harm, or has at least seriously promised to do it.

§3. The penal warning mentioned in can. 1406, §2 suffices for the imposition of the penalty.

Canon 1408 - A penalty does not bind the guilty party before it has been imposed by a sentence or decree, without prejudice to the right of the Roman Pontiff or an Ecumenical Council to determine otherwise.

Canon 1409 - §1. In the application of penal law, even when the law is expressed in preceptive terms, the judge, in accord with his own conscience and prudence, can:

1° defer the imposition of the penalty to a more appropriate time, if it is foreseen that greater harm will ensue from a hasty punishment of the guilty party;

2° abstain from imposing a penalty or impose a lighter penalty if the offender has reformed and reparation of the scandal and harm has been adequately provided, or if the guilty party has been, or it is foreseen, will be sufficiently punished by civil authority;

3° moderate the penalties within equitable limits if the guilty party committed several offenses, and the cumulative burden of the penalties appears excessive;

4° suspend the obligation of observing the penalty in favor of him who has committed an offense for the first time, after having been commended heretofore by an upright life, as long as the need to repair scandal is not pressing. The suspended penalty is lifted entirely if the guilty party has not repeated the offense within the time set by the judge; otherwise such a one shall be more severely punished as the perpetrator of both offenses, unless

in the meantime time has run out for initiating a penal action for the prior offense.

§2. If the penalty is indeterminate and the law does not provide otherwise, the judge cannot impose the penalties mentioned in can. 1402, §2.

Canon 1410 - The imposition of penalties on a cleric must preserve for him what is necessary for his decent support, unless it is a case of deposition, in which event the hierarch is to see to it that the deposed who is truly in need because of the punishment is provided for in the best way possible, taking into account always his vested right to insurance and social security as well as health insurance for him and for his family, if he is married.

Canon 1411 - No penalty can be imposed after the time for a penal action has been extinguished.

Canon 1412 - §1. One who is bound by the law or a precept is also subject to the penalty attached to it.

§2. If the law is changed after the offense was committed, the law more favorable to the accused is to be applied.

§3. If the subsequent law abolishes the law or at least the penalty, it ceases at once irrespective of the manner in which it had been imposed.

§4. The penalty binds the guilty party everywhere even after the authority of the one who has imposed the penalty has lapsed, unless it is expressly provided otherwise in common law.

Canon 1413 - §1. One who has not completed the fourteenth year of age is not subject to any penalty.

§2. Those, however, who have committed an offense between their fourteenth and eighteenth year of age can be punished only with penalties which do not include the loss of some good, unless the eparchial bishop or the judge decides in special cases that their reformation can be better provided for otherwise.

Canon 1414 - §1. Only those are subject to penalties who have violated a penal law or a penal precept, either by deliberate action or by seriously culpable omission of due diligence, or by seriously culpable ignorance of the law or precept.

§2. Once the external violation of a penal law or penal precept has occurred, it is presumed that it was a deliberate act, until the contrary is proven. In respect to other laws or precepts this is presumed only if the law or precept is violated again after a penal warning.

Canon 1415 - If in accordance with common practice and canonical doctrine there is present an extenuating circumstance, the judge must mitigate the penalty established in law or precept, as long as there is still an offense. Guided by his prudence, he can also abstain from imposing a penalty if he judges that one can better achieve by other means the reformation of the offender and the reparation of the harm and scandal.

Canon 1416 - When an offense was committed by a recidivist, or if according to common practice and canonical doctrine there is another aggravating circumstance, the judge can punish the offender more severely than foreseen in the law or precept, not excluding the penalties mentioned in can. 1402, §2.

Canon 1417 - When persons conspire together to commit an offense, and accomplices are not expressly mentioned in the law or precept, they can be punished with the same penalties as the principal offender, or, according to the prudence of the judge, by other penalties of the same or lesser gravity.

Canon 1418 - §1. One who in order to commit an offense did something, or failed to do something, but then nevertheless, despite his intention, did not complete the offense, is not held by the penalty established for the consummated offense, unless the law or the precept provides otherwise.

§2. If, however, the actions or omissions by their nature lead to the execution of the offense, the perpetrator is to be punished by an appropriate penalty, especially if it resulted in scandal or other serious harm. Nevertheless, the penalty is to be more lenient than the one prescribed for a completed offense.

§3. One who spontaneously has desisted from the execution of an initiated offense is free of any penalty if no harm or scandal ensued from the attempt.

Canon 1419 - §1. One who can dispense from a penal law or can exempt someone from a penal precept, can also remit the penalty imposed in virtue of the same law or precept.

§2. In addition, the power of remitting penalties can also be granted to others by the law or penal precept.

Canon 1420 - §1. A penalty imposed in virtue of common law can be remitted by: 1° the hierarch who has initiated the penal trial or has imposed the penalty by decree; 2° the hierarch of the place where the guilty party lives, but after consultation with the hierarch mentioned in n. 1.

§2. These norms apply also in respect to penalties imposed in virtue of particular law or a penal precept, unless the particular law of a Church sui iuris provides otherwise.

§3. A penalty, however, imposed by the Apostolic See can be remitted only by the Apostolic See, unless the remitting of the penalty is delegated to the patriarch or to others.

Canon 1421 - The remitting of a penalty extorted by force, grave fear or fraud is null by the law itself.

Canon 1422 - §1. A penalty can be remitted even if the matter is unknown, or even under a condition.

§2. The remission must be given in writing unless a serious reason suggests otherwise.

§3. Care shall be taken that the petition for remission of the penalty or the remission itself not be made public, unless this is either useful for protecting the good name of the offender or necessary for repairing the scandal.

Canon 1423 - §1. Without prejudice to the right of the Roman Pontiff to reserve to himself or others the remitting of any penalty, the synod of bishops of the patriarchal Church or major archiepiscopal Churches can for serious reasons by the enactment of a law reserve the remitting of penalties to the patriarch or major archbishop, in respect of their subjects who have a domicile or quasi-domicile within the territorial boundaries of the Church over which they preside. Nobody else can validly reserve to himself or to others the penalties established in common law except with the consent of the Apostolic See.

§2. Every reservation is to be interpreted strictly.

Canon 1424 - §1. The remission of a penalty cannot be granted unless the guilty party has sincerely repented, and, moreover, suitable provisions have been made to repair the scandal and harm.

§2. If, however, in the judgment of him who is competent to remit the penalty, these conditions have been fulfilled the remission is not to be denied, insofar as this is possible considering the nature of the penalty.

Canon 1425 - If someone is bound by several penalties, the remission is valid only in respect to penalties expressly mentioned in it; but a general remission removes all penalties except those which the guilty party in bad faith has concealed in the petition.

Canon 1426 - §1. Unless another penalty is provided in the law, according to the ancient traditions of the Eastern Churches, penalties can be imposed which require some serious work of religion or piety or charity, such as certain prayers, a pious pilgrimage, a special fast, alms, spiritual retreats.

§2. Other penalties are to be imposed on one who is not disposed to accept these penalties.

Canon 1427 - §1. Without prejudice to particular law, a public reprimand is to be administered either before a notary or two witnesses or by letter, but in such a way that the reception and the contents of the letter are provable through some document.

§2. Care shall be taken that the public reprimand does not result in a greater than appropriate disgrace of the guilty party.

Canon 1428 - If the seriousness of the case demands it and especially if it concerns recidivists, the hierarch can, in addition to the penalties imposed by a sentence according to the law, submit the offender to vigilance in the manner determined by an administrative decree.

Canon 1429 - §1. The prohibition against living in a certain place or territory can affect only clerics and religious or members of a society of common life in the manner of religious, an injunction to live in a certain place or territory affects only clerics enrolled in an eparchy, without prejudice to institutes of consecrated life.

§2. For the imposition of the injunction to live in a certain place or territory, the consent of the hierarch of that place is required, unless it is a case either of a house of an institute of consecrated life of papal or patriarchal right, in which case the consent of the competent superior is required, or of a house designated for the correction and reformation of clerics of several eparchies.

Canon 1430 - §1. Penal deprivations can affect only those powers, offices, ministries, functions, rights, privileges, faculties, benefits, titles, insignia, which are subject to the power of the authority that establishes the penalty, or of the hierarch who initiated the penal trial or imposed it by decree; the same applies to penal transfer to another office.

§2. Deprivation of the power of sacred orders is not possible, but only a prohibition against exercising all or some acts of orders, in accordance with common law; nor is deprivation of academic degrees possible.

Canon 1431 - §1. Those punished with a minor excommunication are deprived of the reception of the Divine Eucharist. In addition they can be excluded from participation in the Divine Liturgy, and even from entering the church while divine worship is publicly celebrated there.

§2. The sentence or the decree by which this penalty is imposed must determine its extent and, as the case may be, its duration.

Canon 1432 - §1. A suspension can refer to all or some acts of the power of orders or of governance, to all or some acts or rights connected with an office, ministry or function; the extension of the suspension is to be defined in the sentence or decree itself, unless it is already determined in the law.

§2. Nobody can be suspended except from acts which are subject to the power of the authority that imposes the penalty or of the hierarch who initiated the penal process or inflicts the suspension by a decree.

§3. A suspension never affects the validity of acts nor the right to a dwelling place which the offender may have by reason of an office, ministry or function. A suspension forbidding, however, the reception of revenues, remuneration, pensions, or anything else, carries with it the obligation of restoring whatever was illegitimately received even in good faith.

Canon 1433 - §1. A cleric demoted to a lower grade is forbidden to exercise those acts of the power of order or governance which are not in accord with this grade.

§2. A cleric deposed from the clerical state is deprived of all offices, ministries or other functions, ecclesiastical pensions and any delegated power; he becomes disqualified for them; he is forbidden to exercise the power of orders; he cannot be promoted to higher holy orders, and is equivalent to lay persons in respect to canonical effects, without prejudice to cann. 396 and 725.

Canon 1434 - §1. In addition to all things mentioned in can. 1431, §1, a major excommunication forbids one to receive other sacraments, to administer sacraments and sacramentals, to exercise any offices, ministries and functions, to place acts of governance, which, if they are nonetheless placed, are null by law itself.

§2. One punished with a major excommunication is to be turned away from participating in the Divine Liturgy and in other public celebrations of divine worship.

§3. One punished with a major excommunication is forbidden to make use of privileges previously granted. He cannot validly obtain dignities, offices, ministries, or any other function in the Church or a pension, and he cannot acquire the revenues attached to them. Moreover, he is deprived of active and passive voice.

Canon 1435 - §1. If the penalty forbids the reception of sacraments or sacramentals, the prohibition is suspended while the guilty party is in danger of death.

§2. If the penalty forbids the administration of sacraments or sacramentals or the placing of an act or governance, the prohibition is suspended whenever this is necessary to provide for the needs of the Christian faithful who are in danger of death.

Chapter II. Penalties for Individual Delicts

Canon 1436 - §1. One who denies a truth which must be believed with divine and catholic faith, or who calls it into doubt, or who totally repudiates the Christian faith, and does not retract it after having been legitimately warned, is to be punished as a heretic or an apostate with a major excommunication; a cleric moreover can be punished with other penalties, not excluding deposition.

§2. In addition to these cases, whoever professes a doctrine that has been condemned as erroneous by the Roman Pontiff or the college of bishops exercising the authentic magisterium, and does not retract it after having been legitimately warned, is to be punished with an appropriate penalty.

Canon 1437 - One who refuses subjection to the supreme authority of the Church, or who subject to it refuses communion with the Christian faithful, though legitimately admonished does not obey, is to be punished as a schismatic with a major excommunication.

Canon 1438 - One who intentionally omits the legally prescribed commemoration of the hierarch in the Divine Liturgy and in divine praises, and does not reconsider though legitimately warned, is to be punished with an appropriate penalty, not excluding a major excommunication.

Canon 1439 - Parents and those who take the place of parents, who present children to be baptized or raised in a non-Catholic religion, are to be punished with an appropriate penalty.

Canon 1440 - One who violates the norms of law concerning communicatio in sacris can be punished with an appropriate penalty.

Canon 1441 - Whoever employs sacred objects for profane use or for an evil purpose, is to be suspended or forbidden to receive the Divine Eucharist.

Canon 1442 - Whoever has thrown away the Divine Eucharist or taken or retained it for a sacrilegious purpose, is to be punished with a major ex-

communication and, if he is a cleric, also with other penalties, not excluding deposition.

Canon 1443 - Whoever has simulated the celebration of the Divine Liturgy or other sacraments, is to be punished with an appropriate penalty, not excluding a major excommunication.

Canon 1444 - Whoever has committed perjury before an ecclesiastical authority or who, though not sworn, has knowingly lied to a judge under lawful questioning, or has concealed the truth, or who has induced others to commit these delicts, is to be punished with an appropriate penalty.

Canon 1445 - §1. One who has used bodily force against a bishop or has caused him some other grave injury, is to be punished with an appropriate penalty, not excluding deposition, if he is a cleric. If, however, the same offense was committed against a metropolitan, patriarch, or even the Roman Pontiff, the guilty party is to be punished with a major excommunication, which in the last instance is reserved to the Roman Pontiff himself.

§2. One who did the same to another cleric, religious, member of a society of common life in the manner of religious or to a lay person who is actually exercising an ecclesiastical function, is to be punished with an appropriate penalty.

Canon 1446 - One who disobeys his own hierarch when the latter legitimately issues orders or prohibitions, and who after a warning persists in such disobedience, is to be punished as delinquent with an appropriate penalty.

Canon 1447 - §1. One who incites sedition and hatred toward any hierarch whatsoever or provokes his subjects to disobedience, is to be punished with an appropriate penalty, not excluding a major excommunication, especially if the offense was committed against a patriarch or indeed against the Roman Pontiff.

§2. One who has obstructed the freedom of ministry or election or ecclesiastical authority or the legitimate use of the temporal goods of the

Church, or intimidates an elector or one who exercises authority or ministry, is to be punished with an appropriate penalty.

Canon 1448 - §1. One who uses a public performance or talk or publicly disseminated writing, or other media of communication, to blaspheme, seriously harm good morals, injure religion or the Church, or incite hatred or contempt for religion or the Church, is to be punished with an appropriate penalty.

§2. One who joins an organization which plots against the Church, is to be punished with an appropriate penalty.

Canon 1449 - One who has alienated ecclesiastical property without the prescribed consent or permission, is to be punished with an appropriate penalty.

Canon 1450 - §1. One who has committed murder is to be punished with a major excommunication; a cleric is to be punished in addition with other penalties, not excluding deposition.

§2. One who has procured a completed abortion is to be punished in the same manner, with due regard for can. 728, §2.

Canon 1451 - One who has seized, unjustly detained, seriously wounded or mutilated, or inflicted bodily or mental torture on a person, is to be punished with an appropriate penalty, not excluding a major excommunication.

Canon 1452 - Whoever has caused serious injury to another or seriously harmed another's good name with a calumny, is to be compelled to give appropriate satisfaction; but if such a person refuses, that person is to be punished with minor excommunication or suspension.

Canon 1453 - §1. A cleric who lives in concubinage or gives permanent scandal by publicly sinning against chastity is to be punished with a suspension, to which, other penalties can be gradually added up to deposition, if he persists in the offense.

§2. A cleric who attempts a forbidden marriage is to be deposed.

§3. A religious who has taken a public and perpetual vow of chastity and is not in holy orders, is to be punished with an appropriate penalty if he or she committed these offenses.

Canon 1454 - One who has falsely accused someone of an offense, is to be punished with an appropriate penalty, not excluding a major excommunication, especially if the accused is a confessor, hierarch, cleric, religious, member of a society of common life in the manner of religious, or a lay person appointed to an ecclesiastical function (munus), with due regard for can. 731.

Canon 1455 - One who falsified an ecclesiastical document or asserted a falsehood in it or who knowingly made use of a false or falsified document in an ecclesiastical matter, or who changed, destroyed or concealed a true document, shall be punished with an appropriate penalty.

Canon 1456 - §1. A confessor who has directly violated the seal of confession, is to be punished with a major excommunication, with due regard for can. 728, §1, n. 1; but if he broke the seal in another manner, he is to be punished with an appropriate penalty.

§2. One who has attempted in any way to gain information from confession, or who has given such information to others, shall be punished with a minor excommunication or suspension.

Canon 1457 - A priest who has absolved an accomplice in a sin against chastity shall be punished with a major excommunication, with due regard for can. 728, §1, n. 2.

Canon 1458 - A priest who in the act or on the occasion or under the pretext of confession has solicited a penitent to a sin against chastity, is to be punished with appropriate penalties, not excluding deposition.

Canon 1459 - §1. Bishops who have conferred episcopal ordination upon someone without a mandate of competent authority, and the one who

accepted ordination from them in this manner, are to be punished with a major excommunication.

§2. A bishop who has conferred diaconal or presbyteral ordination upon someone against the prescriptions of the canons, is to be punished with an appropriate penalty.

Canon 1460 - One who turns directly or indirectly to civil authority in order to obtain with their intervention holy orders, an office, a ministry or another function in the Church, is to be punished with an appropriate penalty, not excluding a major excommunication, and in case of a cleric, even deposition.

Canon 1461 - One who has conferred or accepted holy orders through simony, shall be deposed; but the one who has administered or received other sacraments through simony shall be punished with an appropriate penalty, not excluding a major excommunication.

Canon 1462 - One who has obtained, conferred or usurped in any manner whatsoever, illegitimately retains, or has transmitted to others or carried out an office, a ministry or another function in the Church through simony, is to be punished with an appropriate penalty, not excluding a major excommunication.

Canon 1463 - One who has given or promised something in order that someone who exercises an office, a ministry or other function in the Church would unlawfully do or omit something is to be punished with an appropriate penalty, likewise the person who accepts such gifts or promises.

Canon 1464 - §1. One who, in addition to the cases already foreseen in law, has misused power, an office, a ministry or another function in the Church by action or omission, is to be punished with an appropriate penalty, not excluding their deprivation, unless another penalty has been established in law or precept for such an abuse.

§2. One, who out of culpable negligence, has unlawfully placed or omitted an act of ecclesiastical authority, office, ministry or other function in the

Church, causing harm to another, is to be punished with an appropriate penalty.

Canon 1465 - One who, belonging to any Church sui iuris, including the Latin Church, and exercising an office, a ministry or another function in the Church, has presumed to induce any member of the Christian faithful whatever to transfer to another Church sui iuris, contrary to can. 31 is to be punished with an appropriate penalty.

Canon 1466 - A cleric, religious or member of a society of common life in the manner of religious who conducts business or trade against the prescriptions of the canons is to be punished with an appropriate penalty.

Canon 1467 - One who violates the obligations imposed by an penalty can be punished with a heavier penalty.

TITLE XXVIII. THE PROCEDURE FOR IMPOSING PENALTIES

Chapter I. The Penal Trial

Art. I. The Preliminary Investigation

Canon 1468 - §1. Whenever the hierarch receives information of an offense, which at least seems to be true he shall cautiously inquire personally or through another suitable person about the facts and circumstances unless this investigation appears to be entirely superfluous.

§2. Care must be taken lest anyone's good name be endangered by this investigation.

§3. The one who conducts the investigation has the same powers and obligations as an auditor in the process; this person cannot act as a judge in the matter, if a penal trial is set in motion later.

Canon 1469 - §1. With due regard for cann. 1403 and 1411, if the investigation seems sufficiently instructed, the hierarch is to decide whether the process for imposing a penalty is to be used and if he decides in the affirmative, whether the action is to be taken through a penal trial or through an extra-judicial decree.

§2. The hierarch is to revoke or change his decision whenever it appears to him from new facts and circumstances, that a different decision is called for.

§3. Before he decides anything in the matter, the hierarch is to hear the one accused of the offense and the promoter of justice and also, if he deems it prudent, two judges or others expert in the law. The hierarch is also to consider whether, in order to avoid a pointless trial, it is expedi-about the question of damages with the consent of the parties.

Canon 1470 - The acts of the investigation, the decrees of the hierarch by which the investigation is opened and closed, and all that precedes it are to be kept in the secret archive of the curia if they are not necessary for the procedure for imposing penalties.

Art. II. The Development of the Penal Trial

Canon 1471 - §1. With due regard for the canons of this title, unless otherwise indicated by the nature of the matter, the canons on trials in general and on the ordinary contentious trial are to be applied to the penal trial as well as the special norms on cases which involve the public good, not, however, the canons on the summary contentious trial.

§2. The accused is not bound to confess the offense and cannot be asked to take an oath.

Canon 1472 - §1. If the hierarch has decreed that a penal trial is to be begun, he is to hand over the acts of the investigation to the promoter of justice who is to present a libellus of accusation to the judge according to the norms of cann. 1185 and 1187.

§2. The promoter of justice constituted as such by the higher tribunal acts as the petitioner before that tribunal.

Canon 1473 - To prevent scandal, to protect the freedom of witnesses and to safeguard the course of justice, the hierarch can, at any stage and grade of the trial, after hearing the promoter of justice and after citing the accused, prevent the accused from the exercise of sacred orders, an office, ministry or another function, can impose or prohibit residence in some place or territory, or can even prohibit the public reception of the Divine Eucharist. When the reason for all these measures ceases, they must be revoked and they also cease by the law itself when the penal trial ends.

Canon 1474 - The judge must invite the accused, when cited, to appoint an advocate within a defined time period; if it elapses without result, the same judge is to appoint ex officio for the accused, an advocate, who shall remain in office until the accused has appointed an advocate.

Canon 1475 - §1. In any grade of the trial, renunciation of the instance can be made by the promoter of justice either at the order of or with the consent of the hierarch in light of whose deliberation the trial was set in motion.

§2. For validity, the renunciation must be accepted by the accused unless such a one is declared to be absent from the trial.

Canon 1476 - Besides arguments and observations given in writing, if there are such, an oral discussion must be carried out.

Canon 1477 - §1. The promoter of justice, the accused and the advocate for the accused, and the injured party mentioned in can. 1483, §1 and that person's advocate take part in the discussion.

§2. It is the right of the tribunal to call experts who functioned during the case to the discussion so that they can explain their reports.

Canon 1478 - In the discussion of the case the accused or the advocate for the accused always has the right to speak last.

Canon 1479 - §1. When the discussion has been completed, the tribunal is to render a sentence.

§2. If from the discussion there has arisen a need to collect new proofs, the tribunal, delaying the decision of the case, is to gather the new proofs.

Canon 1480 - The dispositive part of the sentence is to be published immediately unless the tribunal for a serious cause decides that the decision is to be kept secret until the formal publication of the sentence, which can never be deferred beyond a month from the day when the penal case was decided.

Canon 1481 - §1. The offender can propose an appeal even if the judge dismisses him as absolved, solely because the penalty was facultative or because the judge used the power mentioned in cann.1409, §1 and 1415.

§2. The promoter of justice can appeal whenever it appears that the reparation of scandal or the restitution of justice has not been provided sufficiently.

Canon 1482 - In any stage and grade of the penal trial, if it becomes clearly proven that the offense was not perpetrated by the accused, the judge must declare this in a sentence and absolve the accused, even if it is also proven that the criminal action is terminated.

Art. III. Action for Reparation of Damages

Canon 1483 - §1. In accordance with the norm of can. 1276, an injured party can exercise in the penal trial itself a contentious action for the repairing of damages sustained due to the offense.

§2. The intervention of an injured party is not admitted afterwards if it was not made in the first grade of the penal trial.

§3. The appeal in a case for damages is made in accordance with cann. 1309-1321 even if an appeal in the penal trial cannot be made; but if both appeals are proposed, though by different parties, there is to be a single appellate trial with due regard for can. 1484.

Canon 1484 - §1. To avoid excessive delays in a penal trial, the judge can postpone a trial for damages until he has rendered a definitive sentence in the penal trial.

§2. The judge who does this must take cognizance of damages after rendering the sentence in a penal trial even if the penal trial is still pending due to a proposed challenge or if the accused has been acquitted for a reason which does not take away the obligation of repairing the damages.

Canon 1485 - Even if the sentence rendered in the penal trial has become a res iudicata, in no way does it establish the right of the injured party unless this party has intervened in accordance with can. 1483.

Chapter II. The Imposition of Penalties by Extra-judicial Decree

Canon 1486 - §1. For the validity of the decree by which a penalty is imposed, it is required that: 1° the accused be informed of the accusation and the proofs and be given the opportunity of fully exercising the right of self-defense, unless having been cited according to the norm of law, the person has neglected to appear.

2° an oral discussion be held before the hierarch or his delegate and the accused with the promoter of justice and a notary present;

3° there be set forth in the decree itself the reasons in fact and in law on which the penalty is based.

§2. However the penalties mentioned in can. 1426, §1 can be imposed without this procedure so long as they have been accepted in writing by the guilty party.

Canon 1487 - §1. Recourse against the decree by which a penalty is imposed can be made to the competent higher authority within ten available days (tempus utile) after it has been communicated.

§2. This recourse suspends the force of the decree.

§3. There is no further recourse against the decision of the higher authority.

TITLE XXIX. LAW, CUSTOM, AND ADMINISTRATIVE ACTS

Chapter I. Ecclesiastical Laws

Canon 1488 - Laws come into existence by promulgation.

Canon 1489 - §1. Laws of the Apostolic See are promulgated by being published in the official commentary Acta Apostolicae Sedis, unless another form of promulgation is prescribed for special cases.

They begin to oblige after three months have elapsed from the date of that issue of the Acta, unless because of the nature of the matter they bind immediately or unless a shorter or a longer interval has been expressly prescribed in the law itself.

§2. Laws given by other legislators are promulgated in the manner determined by these legislators and begin to oblige from the date prescribed by them.

Canon 1490 - Merely ecclesiastical laws bind those baptized in the Catholic Church or received into it, who have sufficient use of reason and, unless the law itself expressly provides otherwise, who have completed their seventh year of age.

Canon 1491 - §1. Laws passed by the supreme authority of the Church are binding everywhere on all those for whom they were enacted, unless they were for a particular territory; other laws have force only in the territory where the authority that promulgated them exercises power of governance, unless otherwise provided by law or is clear from the nature of the matter.

§2. Without prejudice to the provisions of 3, n. 1, laws passed for a particular territory bind those for whom they were enacted and who have a domicile or quasi-domicile in that territory and are actually residing in it.

§3. Travelers:

1° are not bound by the particular laws of their own territory as long as they are absent from it, unless their violation would cause harm in their own territory or unless the laws are personal ones; 2° are not bound by the

particular laws of the territory in which they are present with the exception of those laws which provide for public order, which determine the formalities of legal actions, or which deal with immovable goods situated in that territory;

3° are bound, however, by the common law and the particular law of their own Church sui iuris, even if the latter is not in force in their own territory; but they are not bound by the same laws if these do not bind in the place where they are present.

§4. Transients are bound by all the laws which are in force in the place where they are present.

Canon 1492 - Laws enacted by the supreme authority of the Church, in which the passive subject is not expressly indicated, affect only the Christian faithful of the Eastern Churches insofar as they treat matters of faith or morals or declarations of divine law or these Christian faithful are explicitly included in these laws or they grant a favor which contains nothing contrary to the Eastern rites.

Canon 1493 - §1. Beyond the laws and legitimate customs of the universal law, this Code also includes by the designation "common law" the laws and legitimate customs common to all Eastern Churches.

§2. Included in the designation "particular law" are all the laws, legitimate customs, statutes and other norms of law which are not common to the universal Church nor to all the Eastern Churches.

Canon 1494 - Laws deal with the future and not the past, unless specific provision be made in the laws concerning the past.

Canon 1495 - Only those laws which expressly state that an act is null or that a person is disqualified from acting are to be considered to be invalidating or disqualifying.

Canon 1496 - When there is a doubt of law, laws do not bind even if they be nullifying and disqualifying ones. When there is a doubt of fact, however, hierarchs can dispense from them. In the latter case, if it is a question of a

reserved dispensation, the hierarch can dispense so long as the dispensation is usually granted by the authority to whom it is reserved.

Canon 1497 - §1. Ignorance or error concerning invalidating or disqualifying laws does not hinder their effectiveness unless it is expressly determined otherwise.

§2. Ignorance or error about a law, a penalty, a fact concerning oneself, or a notorious fact concerning another is not presumed; it is presumed about a fact concerning another which is not notorious until the contrary is proven.

Canon 1498 - §1. Laws are authentically interpreted by the legislator and by the one to whom the legislator had granted the power to interpret them authentically.

§2. An authentic interpretation communicated in the form of a law has the same force as the law itself and must be promulgated. Furthermore, if such an interpretation merely declares what was certain in the words of the law in themselves, it has retroactive force; if it restricts or extends the law or if it explains a doubtful law, it is not retroactive.

§3. However, an interpretation contained in a judicial sentence or an administrative act in a particular matter does not have the force of law and binds only the persons and affects only those matters for which it was given.

Canon 1499 - Laws are to be understood in accord with the proper meaning of the words considered in their text and context. If the meaning remains doubtful and obscure, recourse is to be taken to parallel passages, if such exist, to the purpose and the circumstances of the law, and to the mind of the legislator.

Canon 1500 - Laws which establish a penalty or restrict the free exercise of rights or which contain an exception to the law are subject to a strict interpretation.

Canon 1501 - Unless it is penal matter, if an express prescription of universal or particular law or a custom is lacking in some particular matter,

the case is to be decided in light of the canons of the synods and the holy fathers, legitimate custom, the general principles of canon law observed with canonical equity, ecclesiastical jurisprudence, and the common and constant canonical doctrine.

Canon 1502 - §1. A later law abrogates a former law or derogates from it if it expressly states so, if it is directly contrary to it, or if it entirely re-orders the subject matter of the former law.

§2. A prescription of the common law, unless the law expressly provides otherwise, does not derogate from a particular law nor does a norm of particular law enacted for a Church sui iuris derogate from a more particular norm in force in that same Church

Canon 1503 - In a case of doubt the revocation of a pre-existent law is not presumed, but later laws are to be related to earlier ones and, insofar as it is possible, harmonized with them.

Canon 1504 - Civil laws to which the law of the Church defers should be observed in canon law with the same effects, insofar as they are not contrary to divine law and unless it is provided otherwise in Canon 1505 - The use of the masculine gender affects also the feminine unless the law provides otherwise or it is clear from the nature of the matter.

Chapter II. Custom

Canon 1506 - §1. The custom of the Christian community, insofar as it responds to the action of the Holy Spirit in the ecclesial body, can have the force of law.

§2. No custom can in any way derogate divine law.

Canon 1507 - §1. Only that custom can have the force of law which is reasonable and introduced by a community capable at least of receiving law, and has been the continuous and uncontested practice for the prescribed time determined by law.

§2. A custom which is expressly reprobated in law is not a reasonable one.

§3. A custom contrary to the current canon law or one which is apart (praeter legem) from canon law, obtains the force of law only when it has been legitimately observed for thirty continuous and complete years; only a centenary or immemorial custom can prevail over a canon which contains a clause forbidding future customs.

§4. Even before that time, a competent legislator can approve a custom as legitimate by his consent, even tacitly.

Canon 1508 - Custom is the best interpreter of law.

Canon 1509 - A custom, whether it is contrary to or apart (praeter legem) from the law, is revoked by a contrary custom or law; however, unless it makes express mention of centenary or immemorial customs, a law does not revoke them; as for the other customs, can. 1502, §2 is applicable.

Chapter III. Administrative Acts

Canon 1510 - §1. Administrative acts can be issued by those who enjoy executive power, within the limits of their competence, as well as by those who have received such a power explicitly or implicitly either by the law itself or by legitimate delegation.

§2. Administrative acts are above all:

1° decrees by which for a special case a decision is given or a canonical provision is made; 2° individual precepts by which a person or determined persons are requested directly and legitimately to do or to omit something, especially pertaining to urging the observance of a law; 3° rescripts by which a privilege, a dispensation, a permission or another favor is granted.

Canon 1511 - An administrative act has effect from the moment when it is communicated or in rescripts from the time when the letter is issued; however, if the application of the administrative act is entrusted to an executor, the effect takes place at the time of its execution.

Canon 1512 - §1. An administrative act is to be understood in accord with the proper meaning of the words and the common usage of speech, and must not be extended to cases other than those actually expressed in it.

§2. In doubt, a strict interpretation is to be given to those administrative acts which concern litigation or threaten or inflict penalties, or restrict the rights of persons, or harm the acquired rights of others, or run counter to a law in favor of private persons; all other administrative acts are to be widely interpreted.

§3. Privileges always are to be interpreted so that their beneficiaries actually receive some favor.

§4. Not only a dispensation, but also the very power of dispensing for a particular case are to interpreted strictly.

Canon 1513 - §1. No administrative act is revoked by a contrary law, unless it is provided otherwise in the law itself or the law is enacted by the authority superior to the one who issued the administrative act.

§2. Unless it is expressly provided otherwise in the law, an administrative act does not cease with the termination of the authority of the one who issued it.

§3. The revocation of an administrative act by means of another administrative act of competent authority takes effect only from the moment at which the latter act has been made known to the person for whom it has been given.

§4. A dispensation which has successive applications ceases also by the certain and complete cessation of the motivating cause.

§5. An individual decree or precept ceases to have force also through the cessation of the law for whose execution it has been issued; a singular precept ceases on the termination of the authority of the one who issued it, unless it has been imposed through a legitimate document.

Canon 1514 - An administrative act which deals with the external forum, with due regard for cann. 1520,

§2 and 1527, is to be set forth in writing; likewise, if the administrative act is issued in commissorial form, its act of execution is to be in writing.

Canon 1515 - An administrative act, even in the case of a rescript issued motu proprio, has no effect insofar as it harms the acquired right of another, or is contrary to a law or an approved custom, unless the competent authority has expressly added a derogatory clause.

Canon 1516 - Conditions attached to administrative acts are considered to affect its validity only when they are expressed by the particles si, nisi, dummodo, or by similar words in the vernacular (e.g., if, unless, provided that).

Art. I. Procedure for Issuing Extra-judicial Decrees

Canon 1517 - §1. Before issuing an extra-judicial decree the authority is to seek out the necessary information and proofs; hear or consult those who should, by law, be heard or consulted; and also hear directly whom the decree touches and especially those whose rights can be injured.

§2. The authority is to disclose to the petitioner and also to the one who legitimately contradicts it the information and proofs which can be known without danger of public or private injury, and present the arguments from both sides of the question, giving the possibility to respond to them even by means of an advocate, within the period of time established by the authority itself.

Canon 1518 - The authority should issue a decree within sixty days from the receipt of the request for it, unless another time period is prescribed by a particular law of his own Church sui iuris; if this is not done and the petitioner asks again in writing for the decree, the time period is thirty days; if even then nothing happens, the request is presumed to be negative as if the rejection happened that same thirtieth day by a decree, so that a recourse against it can be placed.

Canon 1519 - §1. The person who issues a decree should keep in mind and aim at what is the best way to lead to the salvation of souls and the public welfare, observing exactly the laws and legitimate customs, justice and equity.

§2. The decree should contain the reasons, at least in summary form; if there is danger of public or private harm, so that the reasons should not appear in it, they are to be contained in a secret book and revealed, if asked for, to the one who is studying the possibility of interposing a recourse against the decree.

Canon 1520 - §1. A decree has legal force when it is communicated to the one to whom it is destined, according to the laws and the most secure ways of the place.

§2. If there is danger of a public or private harm so that the text of the decree cannot be given in writing, the ecclesiastical authority can issue it by reading it before an ecclesiastical notary or two witnesses to the person for

whom it is destined and by having all present sign an instrument stating that this was done; the decree is then considered to have been communicated.

§3. If a person for whom a decree is destined refuses to accept the communication or, summoned according to the law to a meeting in order to receive or hear the decree, refuses, without a just cause to be evaluated by the author of the decree, to come to the meeting or to sign the instrument mentioned in 2, the decree is considered to have been communicated.

Art. II. The Execution of Administrative Acts

Canon 1521 - The executor of an administrative act cannot validly carry out this function before receiving a written mandate and establishing its authenticity and integrity, unless prior notice of this mandate has been conveyed to the executor by the authority who issued the administrative act.

Canon 1522 - §1. The executor of an administrative act to whom only the task of execution is entrusted, cannot refuse to execute it unless it is quite clear that the act itself is null, or that it cannot for some other grave reason be sustained, or that the conditions attached to the administrative act itself have not been fulfilled. If however, the execution of the administrative act would appear to be inopportune, due to the circumstances of person or place, the executor is to delay its execution and immediately inform the authority who issued the act.

§2. If, in a rescript, the granting of a favor is entrusted to an executor, it can by granted or denied in accord with the executor's prudent judgment and conscience.

Canon 1523 - The executor of an administrative act must proceed in accordance with the norm of the mandate; if conditions for the validity of the act attached to the mandate have not been fulfilled or the executor has not substantially observed the procedural formalities, the execution is invalid.

Canon 1524 - The executor of an administrative act can, with prudent judgment, substitute another as executor unless such substitution has been forbidden or the executor has been chosen for personal qualifications, or the

person of the substitute has been predetermined; in these cases, however, the executor may entrust preparatory acts to another.

Canon 1525 - An administrative act can also be executed by the executor's successor in office, unless the first had been chosen for personal qualifications.

Canon 1526 - If there has been any error in the execution of an administrative act, the executor may execute it again.

Art. III. Rescripts

Canon 1527 - §1. The norms for rescripts established in the canons also apply to the verbal granting of a favor, unless it is otherwise evident.

§2. A favor granted only orally to a person has to be proved whenever this is legitimately requested.

Canon 1528 - A rescript can be requested for another person, even without that person's consent, and it goes into effect before the person's acceptance, unless it is otherwise evident from clauses in the rescript.

Canon 1529 - §1. The concealment of the truth in the request does not invalidate a rescript provided that those things were expressed which must be expressed for validity according to the style of the curia of the hierarch who grants the rescript.

§2. The statement of falsehood, likewise, does not invalidate a rescript provided that at least one of the motivating reasons submitted is true.

Canon 1530 - §1. A favor which has been denied by a superior authority cannot be validly granted by a inferior authority, unless the superior authority explicitly consents.

§2. A favor denied by an authority cannot be validly granted by another of equal competence or superior if no mention of the denial is made in the petition.

1° Privileges

Canon 1531 - §1. A privilege, that is a favor granted to certain persons, whether physical or juridic, by means of a special act, can be granted by the legislator or by the one to whom the legislator has granted this power.

§2. Centenary or immemorial possession induces a presumption that a privilege has been granted.

Canon 1532 - §1. A privilege is presumed to be perpetual.

§2. A privilege ceases:

1° if it is personal, when the person to whom it has been granted dies; 2° if it is real or local, with the complete destruction of the thing or place; 3° when the time has elapsed, or after the completion of the number of cases for which it was granted; 4° if through the passage of time the circumstances, in the judgment of the competent authority, change to such a degree that the privilege becomes harmful or its use illicit.

§3. A local privilege revives if the place is restored within fifty years.

Canon 1533 - §1. No privilege ceases through renunciation, unless the renunciation is accepted by the competent authority.

§2. Any physical person can renounce a privilege granted on behalf of that person alone.

§3. Physical persons cannot validly renounce a privilege which has been granted to some juridic person or has been granted by reason of the dignity of a place or thing; nor is a juridic person competent to renounce a privilege granted to it if the renunciation prejudices the Church or others.

Canon 1534 - A privilege which is not a burden on others does not cease through non-usage or through contrary usage; if, however, the privilege is to the disadvantage of others, it is lost if there is a legitimate prescription or tacit renunciation.

Canon 1535 - Whoever abuses the power given by privilege is to be warned by the hierarch; therefore if the warning proves to be in vain, the hierarch

may deprive one who seriously abuses a privilege which he himself had granted; if the privilege has been granted by an authority superior to the hierarch, the hierarch is obliged to notify that authority.

2° Dispensations

Canon 1536 - §1. A dispensation, that is, the relaxation of a merely ecclesiastical law in a particular case, can be granted only for a just and reasonable cause, taking into consideration the circumstances of the case and the gravity of the law from which the dispensation is to be given; otherwise, the dispensation is illicit and, unless it is given by the legislator himself or by an authority superior to him, it is also invalid.

§2. The spiritual good of the Christian faithful is a just and reasonable cause.

§3. When there is a doubt about the sufficiency of the cause, the dispensation is granted licitly and validly.

Canon 1537 - Laws, insofar as they define that which essentially constitutes juridical institutes or acts, or are laws pertaining to processes or penalties, are not subject to dispensation.

Canon 1538 - §1. As often as he judges that a dispensation will contribute to the spiritual good of the Christian faithful who are subject to him according to the norm of the law, the eparchial bishop can dispense from both the common law and the particular laws of his own Church sui iuris in a special case, unless a reservation has been made by the authority which made the laws.

§2. If recourse to the authority which has reserved to itself a dispensation is difficult, and at the same time there is a danger of grave harm in delay, any hierarch in a particular case can dispense the Christian faithful who are subject to him according to the norm of the law, provided that is concerns a dispensation which the same authority is used to grant under the same circumstances, with due regard for can. 396.

Canon 1539 - He who possesses the power of dispensing can exercise it, even though he is outside his own territory, for his subjects, though they are absent from his territory, and also, unless the contrary is expressly stated, for travelers actually present in his territory.

TITLE XXX. PRESCRIPTION AND THE COMPUTATION OF TIME

Chapter I. Prescription

Canon 1540 - The Church accepts prescription as it exists in the civil legislation as a means of acquiring or losing a subjective right and of freeing oneself from obligations, unless otherwise established by common law.

Canon 1541 - No prescription has any effect which is not grounded in good faith, not only at the beginning but through the entire course of the time required for prescription with due regard for the prescription of can. 1152.

Canon 1542 - Not subject to prescription are:

1° rights and obligations which are of the divine law;

2° rights which can be acquired only from an apostolic privilege; 3° rights and obligations which directly affect the spiritual life of the Christian faithful; 4° the certain and unchallenged boundaries of ecclesiastical territories; 5° obligations and commitments concerning the celebration of the Divine Liturgy; 6° the provision of an ecclesiastical office which requires the exercise of a sacred order, according to the norm of law;

7° the right of visitation and the obligation of obedience if it should result that the Christian faithful can be visited by no ecclesiastical authority and are no longer subject to any ecclesiastical authority.

Chapter II. Computation of Time

Canon 1543 - Time is computed according to the norms of the following canons unless otherwise expressly provided by law.

Canon 1544 - §1. Continuous time is understood as that which is subject to no interruption.

§2. Available time (tempus utile) is understood as that which a person has to exercise or pursue a right but which does not run if the person is unaware or unable to act.

Canon 1545 - §1. In the law, a day is understood as a period of time consisting of 24 continuous hours, and it begins at midnight; a week is a period of seven days, a month is a period of 30 days and a year a period of 365 days, unless the month and the year are said to be taken as they appear in the calendar.

§2. If the time is continuous, a month and a year are always to be taken as they appear in the calendar.

Canon 1546 - §1. The day from which the computation is to be made is not counted in the total, unless the beginning of the reckoning coincides with the beginning of the day or unless the law expressly provides otherwise.

§2. The day to which the calculation is directed, is counted in the total, in such a way that, if the total consists of one or more months or years, or of one or more weeks, the terminus is reached at the end of the last day of the same number or, if the month lacks a day of the same number, at the end of the last day of the month.

Credits:

1990 Code of Canons of Eastern Church (English)

http://www.intratext.com/IXT/ENG1199/_INDEX.HTM

1990 Code of Canons of the Eastern Churches (Latin)

http://www.ulrichrhode.de/docs/cceo.htm

http://www.catho.org/9.php?d=fm#f

http://www.intratext.com/X/LAT0758.HTM

Document Outline

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